against unfair taxation of banking capital; to the Committee on Ways and Means.

Also, memorial of retail druggists of Douglas County, Nebr., favoring the passage of House bill 13305, the Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Harry W. Dotson and 6 other citizens of Nebraska, protesting against national prohibition; to the Committee on Rules.

By Mr. LONERGAN: Petition of B. B. Bassett, of New Britain, Conn., in re tax on intoxicating liquors; to the Committee on Ways and Means.

Also, petition of the Hartford Clearing House Association, Hartford, Conn., protesting against the proportion of the emergency war tax to be placed on banks; to the Committee on Ways and Means.

By Mr. MAGUIRE of Nebraska: Petition of business men of Talmage, Nebr., favoring the passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

By Mr. J. I. NOLAN: Protest of the Clearing House Association of San Francisco, Cal., against that section of House bill 15657 affecting bank directorates; to the Committee on Ways and Means.

By Mr. PAIGE of Massachusetts: Petition of 26 citizens of Worcester County, Mass., favoring national prohibition; to the Committee on Rules.

By Mr. STONE: Petitions of sundry citizens of Indiana, favoring national prohibition; to the Committee on Rules.

By Mr. TREADWAY: Papers to accompany a bill to increase the pension of Henry C. Rand; to the Committee on Invalid Pensions.

By Mr. WEAVER: Petition of Woman's Home Missionary Society of First Methodist Episcopal Church of Oklahoma City, protesting against House bill 16904, relative to railroad tracks opposite Sibley Hospital; to the Committee on the District of Columbia.

Also, petition of Rev. T. J. Davis and many other citizens of Pottawatomie County, Okla., favoring national prohibition; to the Committee on Rules.

Also, petition of C. E. Hall and other citizens of Stillwater, Okla., for relief against unfair methods of mail-order houses; to the Committee on Ways and Means.

Also, petition of Miss Bessie Hupp and 24 others, of Oklahoma City, Okla., and Mrs. M. E. Manwaring, of Oklahoma City, Okla., favoring national prohibition; to the Committee on Rules.

SENATE.

MONDAY, *September 28, 1914.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Thou art the God and Father of us all. Thou dost take within Thy care and within Thy great purpose all men and all nations and all ages. Thou art the center and source of all power and of all greatness and of all good. We come to Thee in the discharge of the sacred and important duties of this hour and lift our hearts to Thee for Thy blessing and guidance; that we may be saved from every selfish purpose; that we may be given a clear insight into every duty; that we may be given courage for all the obligations of life. Grant that the service we render this day may be first of all to God and then to our Nation and to the world, and may all that is done be with the approval of the God and Father of us all. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Thursday, September 24, 1914, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (S. 5798) authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Earl A. Bancroft from Glenwood Cemetery, District of Columbia, to Mantorville, Minn.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 657) to authorize the reservation of public lands for country parks and community centers within reclamation projects in the State of Montana, and for other purposes.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 18732) to amend section 98 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

Mr. TOWNSEND. In behalf of the junior Senator from Illinois [Mr. SHERMAN], I desire to present two telegrams in reference to the so-called revenue-tax bill, which I ask may be printed in the RECORD without reading.

There being no objection, the telegrams were referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

CHICAGO, ILL., *September 23, 1914.*

Hon. LAWRENCE Y. SHERMAN,
Senate, Washington, D. C.:

The Chicago Real Estate Board, the largest and oldest in the world, representing thousands of realty owners, protests most strenuously against the proposed taxes in the so-called war-tax measure on real-estate conveyances, mortgages, contracts, leases, etc. Our commodity bears the heaviest burden of local taxation, never is concealed, and in this State is taxed twice when mortgaged; and we likewise protest against the proposed real-estate brokers' license of $50.

THE CHICAGO REAL ESTATE BOARD.

CINCINNATI, OHIO, *September 17, 1914.*

Senator LAWRENCE Y. SHERMAN,
United States Senate, Washington, D. C.:

The National Association of Life Underwriters in convention assembled, representing over 103,000 agents of over 100 legal reserve life insurance companies of all sections, and in the name of our 25,000,000 policyholders, protest vigorously against the reported proposal to impose a Federal stamp tax upon our policyholders. We shall do our utmost to arouse them against this additional exaction among America's thrifty and provident self-taxing citizens. No European countries, even under pressure of war, so far as known, have resorted to taxing life insurance. Why should America, at peace, increase the cost of protecting their families in addition to the present burdensome taxes of 48 States? We submit that taxing only the legal reserve companies, even those purely mutual, and excluding very properly assessment and fraternal associations and therefore increasing the cost to the 30,000,000 policyholders upon whom this additional tax will solely fall, is unjustified and indefensible. When England exempts money paid for life insurance from her income tax should peaceful America tax it? We earnestly request that at a time when a decreased cost of living is demanded so vital an agency for thrift and preventive of dependency as life insurance will not be increased in cost, especially by a Congress that wisely struck from the income-tax bill the provisions taxing life insurance. This Government has already the discreditable distinction of being the only one in the whole world to tax life policyholders. Surely the present Congress will not increase this burden.

ERNEST J. CLARK,
President National Association of Life Underwriters.

Mr. MARTINE of New Jersey. I have received a letter, transmitting a petition from the banking and currency committee of the New Jersey Bankers' Association. I ask that the petition may be printed in the RECORD and properly referred.

There being no objection, the petition was referred to the Committee on Banking and Currency and ordered to be printed in the RECORD, as follows:

To the Federal Reserve Board:

The banking and currency committee of the New Jersey Bankers' Association, acting under authority conferred by that association, and at the request of the national banks of northern New Jersey, respectfully petition your honorable body to review the assignment of the banks of northern New Jersey to the Federal reserve district No. 3 (Philadelphia) and to alter the district lines so that the banks in New Jersey north of the northerly line of the counties of Ocean and Mercer shall be included in Federal reserve district No. 2 (New York). This would involve transferring the banks in the counties of Monmouth, Somerset, Passaic, Morris, Middlesex, Union, Hudson, Sussex, Hunterdon, Essex, Bergen, and Warren, in the State of New Jersey, from the Federal reserve district No. 3 (Philadelphia) to Federal reserve district No. 2 (New York)

We present to you herewith petitions signed by 123 member banks in the counties above mentioned, asking for this change and authorizing us to represent them. The capital and surplus of the banks signing these petitions is $31,226,427; their deposits, $156,465,000. Nine banks did not sign petitions, the capital and surplus of those not signing being $1,177,500 and their deposits $5,310,000. These figures are taken from the published report of the Comptroller of the Currency for 1913, those being the latest official figures available to us.

Northern New Jersey is allied so closely with New York, both commercially and financially, that the banks of that section should be assigned to the New York district, in compliance with the Federal reserve act, section 2, which says:

"That the districts shall be apportioned with due regard to the convenience and customary course of business, and shall not necessarily be coterminous with any State or States."

The volume of checks drawn on any particular city which are received on deposit by a bank show very accurately the amount of business which is done by the community in which the bank is located with the community on which the checks are drawn. Taking this method as a basis, we find that the commercial business of northern New Jersey with New York is fully ten times as much as the commercial business of that section with Philadelphia, and throughout that section of the State the ties, both commercial, financial, and social, are almost entirely with New York City. The industrial enterprises of northern

New Jersey, especially those located in the large cities of Hudson, Passaic, Essex, Union, and Middlesex Counties, do a very much greater volume of business with New York than with Philadelphia. Most of these concerns have offices in New York City, while but few of them have offices in Philadelphia. We append tables showing the population and industrial importance of northern New Jersey.

We are advised by the banks of northern New Jersey that of the checks which they receive on deposit drawn on the cities of New York and Philadelphia from 85 per cent to almost 100 per cent are drawn on New York City, and on account of the large volume and amount of these checks payable in New York City it is essential that they be sent directly there in order to insure prompt presentation and prompt notice in case of nonpayment. It is impracticable to send these checks to New York by way of the Philadelphia reserve bank. This very same question will arise in connection with the very heavy volume of checks payable in northern New Jersey which are received on deposit by the New York City banks. An analysis of figures which were received by the Comptroller of the Currency from banks of northern New Jersey during the month of June last will demonstrate the close relationship existing between New York City and northern New Jersey, and will show that this relationship is much more active and close than that existing between northern New Jersey and Philadelphia. In taking these figures into consideration it must be borne in mind that the comptroller's figures separate New York City from New York State, but do not separate Philadelphia from the State of Pennsylvania. We give below figures covering the month of June furnished by five representative institutions in Newark, N. J., showing the volume of checks on Newark received from New York City and from Philadelphia and the currency shipments between Newark and New York, there being none with Philadelphia:

On local banks, received from New York City	$19,096,489
On local banks, received from Philadelphia	2,351,506
Currency shipments to and from New York City	2,034,000

At present many of the banks in northern New Jersey maintain accounts with Philadelphia banks, but these accounts are not maintained by reason of the natural flow of business there, but are due entirely to the fact that New York City banks have for many years charged exchange for the collection of country checks, whereas Philadelphia banks have been willing to collect these checks at par. Prior to the time when the New York Clearing House adopted the rule requiring its member banks to charge exchange on country checks the banks of northern New Jersey, with very few exceptions, carried no accounts in Philadelphia, and the figures will demonstrate that immediately after the imposition of this exchange charge by the New York Clearing House the deposits of country banks with Philadelphia banks increased very materially. With equal facilities provided by the banks of the two cities, practically all of these accounts kept in Philadelphia by the banks of northern New Jersey would be eliminated, as there is not a sufficient volume of business on the territory naturally covered by Philadelphia to warrant the maintenance of these accounts. These facts will also account for the considerable volume of business received by the banks of northern New Jersey from the banks of Philadelphia, as checks on northern New Jersey from all over the country are by reason of the exchange charge imposed by the New York clearing house diverted to Philadelphia rather than through their natural course by way of New York.

The relations existing between the banking institutions of northern New Jersey and the banks of New York City have always been most intimate, and the transactions between that section of New Jersey and New York City are carried on in a very large degree through personal contact, resulting in mutual advantage. On account of this close relationship no artificial barriers should be erected, and if erected, will prove injurious to the banks of northern New Jersey.

A considerable number of the banks in northern New Jersey at certain times in the year purchase commercial paper. This is all purchased through New York brokers, and is usually passed upon by New York banks before being purchased.

The bankers of New York City are in very close touch with the credit standing of northern New Jersey corporations, and are thus in much better position to advise with the directors of the Federal reserve bank of New York City regarding conditions in northern New Jersey than are the bankers of Philadelphia.

Many of the industries of northern New Jersey maintain bank accounts in New York City as well as in New Jersey, sell their paper in the New York markets, and are otherwise financed there. This further results in very close and accurate knowledge by the bankers of New York City of the credits and needs of the industries of northern New Jersey.

The very large commuting element in the population of northern New Jersey alone causes a very considerable flow of business to and from New York City. Many considerable towns in northern New Jersey are inhabited almost entirely by people who are in business in New York City. We are advised by the Pennsylvania Railroad Co. that during the past year on their lines east of and including New Brunswick 11,051,715 passengers were carried to and from New York City. The Central Railroad Co. advised us that on their lines in northern New Jersey they have at least 12,000 commuters from points in northern New Jersey to New York City, and, in addition, they carry about 35,000 passengers to and from New York City and New Jersey points each day. The Delaware, Lackawanna & Western Railroad Co. advise us that the number of passengers carried between stations in northern New Jersey and New York City during the month of June, 1914, was 1,421,537. The Erie Railroad Railroad Co. advise us that in June, 1914, they carried 1,555,314 passengers between stations in northern New Jersey and New York City. These figures show that over 60,000,000 passengers per year are carried between New York City and northern New Jersey points, and this does not include the traffic from points in Hudson County which reaches New York City by other means than the railroads. The retail purchases of a large portion of the commuting element of the population are made in New York City, and much of the wholesale and retail business throughout northern New Jersey follows the same course.

A large proportion of the business of many banks located in the commuting cities and towns of northern New Jersey are accounts of New York business men residing in those town and cities. A recent agreement, which has been entered into by many of the country banks located near New York City provides that the New York Clearing House banks will take checks on these banks at par, the local bank agreeing to remit for them in New York Clearing House funds at par on receipt. These checks are therefore readily received in New York, but if northern New Jersey were in another Federal reserve district than New York City this arrangement would probably be terminated, and it is unlikely that New York City banks would receive these checks freely if they had to collect them through the Federal reserve bank in New York City, and from that bank through the Federal reserve bank in Philadelphia. This would result in the transfer of many of these accounts of New York men in the local banks to banks in New York City.

Efforts are already being made by New York City banks to secure the accounts of business men and industrial concerns located in northern New Jersey, the New York banks using the argument that the New Jersey banks being attached to the Philadelphia reserve bank district will interfere with the availability of deposit accounts in New Jersey banks. This will probably result in the diversion of considerable business from New Jersey banks to the banks of New York City if the present assignment of the northern New Jersey banks is continued.

Access to New York City from northern New Jersey is rapid and easy, and to Philadelphia is much longer, and frequently more difficult, as few portions of the northern part of the State have direct train service to Philadelphia, while all have direct train service to New York City. From certain sections in the northern part of New Jersey it is impossible to reach Philadelphia, transact business and return the same day, whereas New York City can be reached from every part of northern New Jersey with time for the transaction of business and return within convenient hours of the same day. Thus from Newton, the county seat of Sussex County, a trip to Philadelphia, by way of New York, which is the quickest route, would involve leaving Newton at 9.10 a. m., reaching Philadelphia at 3 p. m. The only other route to Philadelphia, without going through New York City, involves leaving Newton at 9.10 a. m., reaching Philadelphia at 4.17 p. m., with three changes of cars. On account of the large number of commuters living throughout northern New Jersey the train service to New York is very frequent and good, making a trip to that city practically as convenient as going from one part of New York City to another. Hudson County and, to a lesser extent, Essex County, on account of the tube connections with New York City, are practically a part of New York City for banking and business purposes, fully as much so as is Brooklyn, and the same condition is to a very large extent true as regards the other near-by counties.

Six banks in Hudson County are associate members of the New York Clearing House and clear their checks there every day. We give below several examples of the time of transit from down town in New York City to points in New Jersey, as contrasted with the time of transit to points within the city limits of New York City:

Newark, 20 minutes by Hudson & Manhattan Railroad.

Exchange Place, Jersey City, 3 minutes by Hudson & Manhattan Railroad.

Hoboken, 9 minutes by Hudson & Manhattan Railroad.

Bayonne, 26 minutes by Central Railroad from Liberty Street.

Elizabeth, 30 minutes by Central Railroad from Liberty Street.

Passaic, 35 minutes by Erie Railroad from Chambers Street.

Paterson, 45 minutes by Erie Railroad from Chambers Street.

Ninety-sixth Street, New York City, 16 minutes from city hall by subway.

Two hundred and forty-second Street and Broadway, 42 minutes from city hall by subway.

One hundred and eighty-first Street and Boston Road, 40 minutes from city hall by subway.

One hundred and twenty-fifth Street and Broadway, 22 minutes from city hall by subway.

St. George, Staten Island, 20 minutes from Whitehall Ferry.

Mariner's Harbor, Staten Island, 43 minutes from Whitehall Ferry.

Tottenville, Staten Island, 78 minutes from Whitehall Ferry.

Jamaica, borough of Queens, 20 minutes from Pennsylvania Station, Thirty-third Street.

Jamaica, borough of Queens, 40 minutes from down town, New York City.

Flushing, borough of Queens, 22 minutes from Pennsylvania Station, Thirty-third Street.

Flushing, borough of Queens, 42 minutes from down town, New York City.

Far Rockaway, borough of Queens, 45 minutes from Pennsylvania Station, Thirty-third Street.

Far Rockaway, borough of Queens, 65 minutes from down town, New York City.

The matter of telephone service also enters into this question of convenience, as connections with New York City are much quicker, more satisfactory, and cheaper than telephone connections with Philadelphia.

The members of your honorable body fully realize that the money transactions in our section, especially those running into large figures, necessitate the use of checks payable in New York City, resulting in our banks being constantly called upon for New York certifications. Checks which are not made payable through the New York Clearing House will not fulfill the requirements. As a consequence, if our reserve is kept elsewhere than in New York City, large balances will have to be maintained by us in New York banks, not only at a loss in earnings, but also to the detriment of all the manufacturing communities in this section, because of the diminished loaning power of the banks.

Accounts will also have to be kept in New York City to cover currency transactions, most of which are now handled by messenger and which run into very large amounts. Many of our banks have currency transactions with New York City aggregating in the neighborhood of $500,000 a month, and the currency shipments of at least two of the banks in Jersey City average over $1,000,000 a month, all handled by messenger.

A great bulk of the coupons are payable in New York City, including those of a large number of the municipalities and corporations located in northern New Jersey, and the collection of these coupons by our banks will necessitate accounts in New York City if we are not connected with that reserve district.

A very considerable amount of foreign exchange is dealt in, both buying and selling, by the banks of our section of New Jersey, and this business has all been done through New York on account of the better facilities and closer rates that can be obtained there, and it would be a serious disadvantage to our banks to interfere in any way with the trend of this business to its natural center.

If it has been thought to obviate the difficulties which we anticipate will arise through our being put in another than our natural district by some method of clearing checks, why should you not adopt the simpler and surer method of putting us in the district in which we belong through common association, natural trend of business, both banking and commercial, and by physical contiguity? It should not be necessary to devise means of overcoming the difficulties created by our being placed in a district artificially created in direct opposition to the natural flow of trade.

The recent election of directors for the Federal reserve bank of Philadelphia demonstrates the impossibility of electing any representative banker from New Jersey as a member of the board of that bank. This is a serious condition for the bankers of northern New Jersey, as the bankers of Philadelphia and Pennsylvania are not closely in touch with the needs and credits of northern New Jersey, whereas lack of such representation, if we were affiliated with the New York reserve bank, would not be material, owing to the close knowledge of our locality and of its needs and credits by the bankers representing New York City on the board of the Federal reserve bank of New York.

It is most desirable for the success of the Federal reserve system that the State institutions should become affiliated as members. If the present handicap due to the assignment of northern New Jersey banks continues, it is very improbable that any State institutions will become members. Positive statements to this effect have been made to us by a considerable number of the more important State institutions in the northern part of the State, and these statements carry all the more weight as their reserves are freed by legislation from restriction to any one locality and follow the natural channels of business. If the State institutions of northern New Jersey remain out of the system, the member banks will be at a serious disadvantage in competition with them under present conditions.

At the time the organization committee was holding hearings in New York we took a poll of the banks of New Jersey and reported to that committee that the banks of the counties mentioned above desired to be affiliated with the New York City district, and the poll which the committee later took will confirm the facts which we laid before them at that hearing.

The figures of the banks of northern New Jersey, in accordance with their report to the Comptroller of the Currency on June 30, 1914, are as follows:

Capital	$16,307,000
Surplus	16,183,500
Undivided profits	7,938,239
Individual deposits	157,522,332
Bank deposits	17,115,557

If the northern New Jersey banks are continued in the Philadelphia district, it will very seriously interfere with the smooth conduct of their business under the Federal reserve act, will take from them many of the advantages which they would otherwise gain through membership in the Federal reserve system, and will prevent the fullest possible development of the system in this part of the State. It is directly contrary to the currents of trade and banking, and as such can not help being injurious to the State and its industries. The banking business of a section does not originate with the banks themselves, but arises out of the commerce of their section and follows the course of trade, and anything which tends to disturb the flow of banking business along with the natural flow of general business can not but be injurious. Any action which places the national institutions at a disadvantage in their competition with the State institutions should not be continued, as it is wise to encourage the greatest possible development of banks under national charters.

Respectfully submitted.

BANKING AND CURRENCY COMMITTEE
NEW JERSEY BANKERS' ASSOCIATION.
WALTER M. VAN DEUSEN, *Chairman,*
National Newark Banking Co., Newark, N. J.
ROBERT D. FOOTE,
National Iron Bank, Morristown.
BLOOMFIELD H. MINCH,
Bridgeton National Bank, Bridgeton.
HENRY G. PARKER,
National Bank of New Jersey, New Brunswick.
EDWARD C. STOKES,
Mechanics' National Bank, Trenton.

MANUFACTURES, NEW JERSEY.

Statement showing number of wage earners and value of products for the years 1899, 1904, and 1909 in the principal manufacturing centers of northern New Jersey.

City, town, or borough.	Average number of wage earners.			Value of products.		
	1909	1904	1899	1909	1904	1899
Newark	59,955	50,697	42,878	$202,511,520	$150,055,227	$112,728,045
Jersey City	25,454	20,353	17,391	128,774,978	75,740,934	72,929,690
Bayonne	7,519	7,057	4,670	73,640,900	60,633,761	38,601,429
Perth Amboy	5,866	3,950	2,005	73,092,703	34,800,402	14,061,072
Paterson	32,004	28,509	28,542	69,584,351	54,673,083	48,502,044
Passaic	15,086	11,000	6,399	41,729,257	22,782,725	12,804,805
Elizabeth	12,737	12,335	9,498	29,147,334	29,300,801	22,861,375
Hoboken	8,100	7,227	5,712	20,413,015	14,077,305	10,433,079
Harrison	6,500	4,040	2,839	13,142,377	8,408,924	6,086,477
New Brunswick	5,264	4,590	3,835	10,004,802	8,916,983	5,791,321
West New York	1,508	(1)	(1)	9,273,717	(1)	(1)
Orange	4,383	2,450	1,640	9,175,910	6,150,635	2,995,688
Phillipsburg	3,432	3,148	2,216	9,150,227	6,684,173	4,584,886
Garfield	2,530	(1)	(1)	8,893,710	(1)	(1)
Kearny	2,820	1,303	986	8,306,276	4,427,904	1,607,002
Union	2,894	1,856	1,376	7,941,047	3,512,451	3,403,136
Bloomfield	2,957	1,893	1,612	5,894,710	4,645,483	3,370,924
West Hoboken	2,782	3,562	2,733	5,577,439	5,947,267	4,769,436
East Orange	1,386	854	690	3,724,879	2,326,552	2,086,910
Plainfield	1,758	1,986	1,384	3,648,745	3,572,134	2,437,434
Irvington	540	(1)	(1)	3,017,824	(1)	(1)
Hackensack	738	812	487	1,977,966	1,488,358	782,232
Long Branch	415	294	96	1,116,663	577,268	280,590
Montclair	252	151	169	1,025,585	621,145	663,592
West Orange	476	(1)	(1)	747,684	(1)	(1)
Morristown	201	307	252	724,233	704,412	595,592
Asbury Park	264	(1)	(1)	602,194	(1)	(1)

[1] Figures not available.

POPULATION, NEW JERSEY.

Statement giving the population for 1900 and 1910 of 32 incorporated places having a population of over 10,000, located in northern New Jersey.

City, town, or borough.	1910	1900	City, town, or borough.	1910	1900
Newark	347,469	246,070	Plainfield	20,550	15,369
Jersey City	267,779	206,433	Kearny	18,659	10,896
Paterson	125,600	105,171	Bloomfield	15,070	9,668
Elizabeth	73,409	52,130	Harrison	14,498	10,596
Hoboken	70,324	59,364	Hackensack	14,050	9,443
Bayonne	55,545	32,722	Phillipsburg	13,903	10,052
Passaic	54,773	27,777	West New York	13,560	5,267
West Hoboken	35,403	23,094	Long Branch	13,298	8,872
East Orange	34,371	21,506	Morristown	12,507	11,267
Perth Amboy	32,121	17,699	Irvington	11,877	5,255
Orange	29,630	24,141	West Orange	10,980	6,889
New Brunswick	23,388	20,006	Garfield	10,213	3,504
Montclair	21,550	13,962	Asbury Park	10,150	4,148
Union	21,023	15,187			

Table compiled from information furnished by the banks of northern New Jersey, showing time of travel to New York City and Philadelphia, proportion of banking and commercial business as between New York City and Philadelphia, frequency of visits by bank representatives to New York City and Philadelphia, and character of population of the various counties.

County.	Population.	Time to New York.	Time to Philadelphia.	Banking with New York.	Commercial business with New York.	Visits by representatives to New York.	Visits by representatives to Philadelphia.	Character of population.
Bergen	138,002	10 to 50 minutes, direct.	2½ to 4 hours, not direct	Over 90 per cent.	Practically 100 per cent.	2 to 6 times a week.	Hardly ever	Manufacturing, commuting.
Essex	512,886	20 to 40 minutes, direct.	1½ to 2½ hours, not direct, except Newark.	90 per cent	Over 80 per cent.	do	Never to twice a year.	Do.
Hudson	537,231	3 to 35 minutes, direct.	2 to 2½ hours, not direct, except Jersey City and Bayonne.	Over 95 per cent.	Over 90 per cent.	3 times a day	Rarely	Manufacturing.
Hunterdon	33,569	1½ to 2 hours, direct, except 3 towns.	1½ to 2½ hours, half direct	50 to 90 per cent.	50 to 90 per cent.	Twice a week.	Seldom	Farming.
Middlesex	114,426	1 to 1½ hours, direct, except 2 towns.	1½ to 2½ hours, 5 towns, direct.	75 to 90 per cent.	80 per cent	do	Rarely	Manufacturing, farming.
Monmouth	94,734	1 to 2 hours, direct	2 to 4 hours, half direct	90 per cent	90 per cent	do	do	Summer resort, farming.
Morris	74,704	60 to 90 minutes, direct.	3 to 3½ hours, not direct	Over 90 per cent.	Over 90 per cent.	Daily	do	Commuting.
Passaic	215,902	40 to 60 minutes, direct.	2½ to 4 hours, not direct	do	Over 95 per cent.	do	do	Manufacturing, commuting.
Somerset	38,820	1 hour, direct	1½ to 3 hours, part direct	90 per cent	90 per cent	do	Seldom	Commuting, farming.
Sussex	26,781	2 to 2½ hours, direct	6 hours, not direct	do	do	Twice a week.	Rarely	Farming.
Union	140,197	30 to 45 minutes, direct.	2 hours, direct	90 to 100 per cent.	90 to 100 per cent.	Daily	do	Manufacturing, commuting.
Warren	43,187	2 hours, direct, except 1 town.	3 to 4 hours, 2 places direct	Over 95 per cent.	95 to 100 per cent.	Weekly	do	Farming.

Mr. KERN presented memorials of the Tell City National Bank; the National Exchange Bank of Anderson; the Citizens' National Bank of Evansville; the Lynnville National Bank, of Lynnville; the Citizens' State Bank of Morocco; the Knisely Bros. State Bank, of Butler; the First National Bank of Jeffersonville; the Citizens' Savings & Trust Co., of Wabash; the First National Bank of Greens Fork; the Farmers' National Bank of Newcastle; the State Bank of Monticello; the State Bank of Battle Ground; the Howard National Bank, of Kokomo; Gaudy's State Bank, of South Whitley; the First Na-

tional Bank of Terre Haute; the Parker Banking Co., of Parker; the First National Bank of Medaryville; the First National Bank of Columbia City; the Northern Wayne Bank, of Economy; the Union County National Bank, of Liberty; the First National Bank of Brownstown; the Home National Bank, of Thorntown; the State Bank of Westfield; the Indianapolis Clearing House Association; the American Trust & Savings Bank, of Evansville; the Old State Bank, of Evansville; the West Side Bank, of Evansville; the Evansville Clearing House Association; and the Indiana Bankers' Association, all in the State of Indiana, remonstrating against the proposed tax on capital, surplus, and undivided profits of banks, which were referred to the Committee on Finance.

He also presented memorials of the Reserve Loan Life Insurance Co., of Indianapolis; the Lincoln National Life Insurance Co., of Fort Wayne; and the People's Life Insurance Co., of Frankfort, all in the State of Indiana, remonstrating against the proposed tax on life insurance policies, which were referred to the Committee on Finance.

He also presented a memorial of the Indianapolis Telephone Co., of Indiana, remonstrating against the proposed tax on telephone messages, which was referred to the Committee on Finance.

He also presented the memorial of Charles J. Daum, of Evansville, Ind., remonstrating against the proposed war tax on brokers, which was referred to the Committee on Finance.

He also presented a memorial of the C. Bayer Cigar Co., of Fort Wayne, Ind., remonstrating against the proposed tax on cigars, which was referred to the Committee on Finance.

Mr. SHEPPARD. I present a petition signed by a large number of cotton producers of Montague County, Tex., praying that some plan be devised whereby they may realize on a full product of cotton. I ask that the petition be printed in the RECORD, omitting the signatures, and that it be referred to the Committee on Banking and Currency.

There being no objection, the petition was referred to the Committee on Banking and Currency and ordered to be printed in the RECORD, as follows:

We, as producers of Montague County, Tex., do hereby ask our mother Government to tide us over this crisis in the cotton market by devising some plan whereby we may realize on a full product of our cotton.

We hereby ask our Government to devise some plan whereby we can get money direct from our Government without paying our banks such a high rate of interest.

We do ask our Government to advance us as much as 12 cents per pound, middling basis.

We furthermore ask, if we can not get money direct from you, that you set a reasonable rate of interest at the banks, not exceeding 5 per cent.

Mr. ASHURST presented a petition of the inmates of the Arizona State Prison, praying for the removal of certain restrictions on prisoners' mail, which was referred to the Committee on Post Offices and Post Roads.

Mr. VARDAMAN presented telegrams in the nature of memorials from the Port Gibson Bank and the Mississippi Southern Bank, of Port Gibson; the Bank of Hattiesburg; the First National Bank of Greenville; the Bank of Yazoo City; the Citizens' Bank & Trust Co., the Delta Bank & Trust Co., the Exchange Bank, and the Security Savings Bank, all of Yazoo City; of W. S. Webster and J. B. Small, of Winona; and of the Merchants and Farmers' Bank, of Columbus, all in the State of Mississippi, remonstrating against the proposed tax on capital and surplus of national banks, which were referred to the Committee on Finance.

He also presented a telegram in the nature of a memorial from George M. Reynolds, president of the Continental & Commercial National Bank, of Chicago, Ill., remonstrating against the enactment of legislation to prohibit interlocking directorates, which was ordered to lie on the table.

He also presented a telegram in the nature of a memorial from Lloyd T. Binnford, of Memphis, Tenn., remonstrating against the proposed tax on life insurance policies, which was referred to the Committee on Finance.

Mr. PERKINS presented memorials of the Merchants' Exchange and of the Chamber of Commerce of Oakland, Cal., remonstrating against the proposed tax on wine, which were referred to the Committee on Finance.

He also presented memorials of the Clearing House of Pasadena; the California National Bank, of Sacramento; the Peoples' Savings Bank of Sacramento; and the Clearing House Association of San Francisco, all in the State of California, remonstrating against the proposed tax on capital and surplus of banks, which were referred to the Committee on Finance.

He also presented a petition of Local Grange No. 332, Patrons of Husbandry, of Mountain View, Cal., praying for the enactment of legislation to prevent the extermination of the dove, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Local Grange No. 332, Patrons of Husbandry, of Mountain View, Cal., praying for the enactment of legislation to provide Government ownership of telegraph and telephone service, which was referred to the Committee on Post Offices and Post Roads.

He also presented the memorial of C. W. Godard, of Sacramento, Cal., remonstrating against the proposed tax on motion pictures, which was referred to the Committee on Finance.

Mr. MYERS presented a petition of the Woman's Christian Temperance Union of White Pine and Plains, in the State of Montana, praying for national prohibition, which was referred to the Committee on the Judiciary.

EDWARD B. KELLEY.

Mr. CLAPP, from the Committee on Indian Affairs, to which was referred the bill (H. R. 6939) to reimburse Edward B. Kelley for moneys expended while superintendent of the Rosebud Indian Agency in South Dakota, reported it with an amendment and submitted a report (No. 798) thereon.

THE OIL INDUSTRY.

Mr. CHILTON. I ask unanimous consent to call up at this time Senate resolution 442. It is a resolution which I submitted September 5, regarding the oil situation in New York, Ohio, West Virginia, and Pennsylvania, and it has been reported from the Committee to Audit and Control the Contingent Expenses of the Senate, committing the investigation to the Interstate Commerce Commission instead of to a special committee of the Senate. I do not think there will possibly be any objection to it, and we can dispose of it in a minute. I therefore ask unanimous consent for its consideration.

The VICE PRESIDENT. Is there objection to the consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee to Audit and Control the Contingent Expenses of the Senate with amendments.

Mr. SMOOT. I wish to ask the Senator if there is any expense attached to the investigation?

Mr. CHILTON. None whatever. It merely requests the Interstate Commerce Commission to make the investigation.

Mr. SMOOT. I have not read the resolution, but as it had been referred to the Committee to Audit and Control the Contingent Expenses of the Senate I thought there must be some expense attached.

Mr. CHILTON. None whatever, as reported. The part which provided for an expenditure of money has been stricken out by the committee.

The VICE PRESIDENT. The amendments of the committee will be stated.

The amendments of the Committee to Audit and Control the Contingent Expenses of the Senate were, on page 3, line 1, after the words "*Resolved*, That," to strike out:

A committee of five Members of the Senate is hereby created, its members to be appointed by the President of the Senate, for the purpose and with direction.

And to insert:

The Interstate Commerce Commission be requested.

On page 1, line 15, to strike out "committee" and insert "commission."

On page 4, line 11, to strike out "committee" and insert "commission."

In line 19, after the word "information," to strike out "such committee" and insert "the commission."

After line 23, to strike out the words:

Said committee is authorized to sit in the recess of the Senate, and at any point in the United States, to employ such counsel, clerks, and stenographers as it may find necessary, to summon and swear witnesses, send for persons and papers, and to do any other thing necessary to the success of the investigation committed to it.

On page 5, line 4, to strike out "committee" and insert "commission."

In line 6, after the word "completed," to strike out the remainder of the resolution, in the following words:

And shall make reports from time to time as required by the Senate. All expenses incurred by said committee hereunder shall be paid out of the contingent fund of the Senate.

So as to make the resolution read:

Resolved, That the Interstate Commerce Commission be requested to make thorough investigation of the conditions prevailing and that have prevailed in the States of New York, Pennsylvania, West Virginia, and Ohio, or elsewhere, affecting the production, transportation, and marketing of crude petroleum, with especial reference to the manner in which the market for same has been created, maintained, and controlled, and by whom, and the effect of such market and the maintenance and con-

trol thereof upon the inducement of capital to seek investment in the oil business, and especially in the development of new fields.

Said commission shall also ascertain what connection or relation of any kind has existed or now exists between or among any two or more of the pipe-line companies which have been or are now transporting crude oil within said fields, together with what, if any, common ownership, interest, or control has at any time existed or now exists between such pipe lines or any of them, and the various agencies that have purchased crude oil in said States since 1890, and what disposition such agencies have made of the crude oil so purchased, and to whom it has been turned over for refining and manufacture, and under what conditions, with the object of ascertaining for the information of the Senate whether the charge is true that substantially the same interests have operated the pipe lines, made the market, bought the crude oil, refined it, and fixed the price of the refined products, and whether in such respect the laws of the United States have been violated.

Said commission shall also inquire into and ascertain if it is true that said pipe-line companies, or any of them, have recently stopped taking all or any part of the crude oil produced by independent producers into tanks to which such pipe-line companies have connected their pipe lines, and whether it is true that said purchasing agencies, or any of them, have recently stopped purchasing all or any part of the crude oil so produced by independent producers in said States, together with any information the commission may be able to obtain as to the reasons for such refusal to run and purchase oil, and what effect the same is having upon the oil industry, and especially properties already developed in the States named.

Said commission shall report to the Senate its findings, together with the evidence taken, when its work hereunder is completed.

The amendments were agreed to.

Mr. CHILTON. On behalf of the senior Senator from Oklahoma [Mr. GORE], I move, in line 7, on page 3, to insert "Oklahoma" after "West Virginia," so as to read:

In the States of New York, Pennsylvania, West Virginia, Oklahoma, and Ohio, or elsewhere.

The amendment was agreed to.

The resolution as amended was agreed to.

The VICE PRESIDENT. The committee recommends striking out the preamble. Without objection, the preamble will be stricken out.

Mr. GORE. I desire to call up Senate resolution 457, submitted by me on the 24th instant.

Mr. CULBERSON. I have no objection to considering the resolution at this time, but after it is disposed of I shall have to call for the regular order.

Mr. SMOOT. If the Senator from Texas wants to get consideration of the conference report directly, I think the best plan would be for him to call for the regular order at this time.

The VICE PRESIDENT. The resolution of the Senator from Oklahoma is not now in order, because it is a resolution coming over from a preceding day, and the morning business is not yet closed It will be handed down by the Chair when we reach that point.

Mr. GORE. I undertook to call it up at this time because really it is a companion resolution to the one just adopted.

The VICE PRESIDENT. The introduction of bills and joint resolutions is in order.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PITTMAN (for Mr. NEWLANDS):

A bill (S. 6537) granting a pension to Mabel De Chaine; to the Committee on Pensions.

By Mr. THORNTON:

A bill (S. 6538) for the relief of the heirs of Antoine Bayard (with accompanying papers); to the Committee on Military Affairs.

By Mr. TOWNSEND (for Mr. SHERMAN):

A bill (S. 6539) granting a pension to Cora Alward;

A bill (S. 6540) granting an increase of pension to Joseph Wardle;

A bill (S. 6541) granting an increase of pension to Alfred J. Adair;

A bill (S. 6542) granting an increase of pension to William Porter; and

A bill (S. 6543) granting an increase of pesion to Henry Clay; to the Committee on Pensions.

By Mr. STERLING:

A bill (S. 6544) granting a pension to Frank Sutterfield; and

A bill (S. 6545) granting an increase of pension to James W. Sargent (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of Arizona:

A bill (S. 6546) granting an increase of pension to Hannah M. Bates (with accompanying papers); and

A bill (S. 6547) granting an increase of pension to John E. Penn; to the Committee on Pensions.

By Mr. OVERMAN:

A bill (S. 6548) for the relief of the estate of Addison G. Lee, deceased (with accompanying papers); to the Committee on Claims.

By Mr. LEE of Maryland:

A bill (S. 6549) for the relief of George Berry Dobyns; to the Committee on Naval Affairs.

By Mr. JOHNSON (for Mr. BURLEIGH):

A bill (S. 6550) granting an increase of pension to Joseph N. Stockford; to the Committee on Pensions.

By Mr. PERKINS:

A joint resolution (S. J. Res. 188) ceding to the State of California temporary jurisdiction over certain lands in the Presidio of San Francisco and Fort Mason (Cal.) Military Reservations; to the Committee on Military Affairs.

WITHDRAWAL OF PAPERS—JOHN J. BOESL.

On motion Mr. STERLING, it was

Ordered, That the papers accompanying S. 3467, granting a pension to John J. Boesl, Sixty-third Congress, first session, be withdrawn from the files of the Senate, no adverse report having been made thereon.

THE STANDARD OIL CO.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a preceding day which will be read.

The Secretary read Senate resolution 457, submitted by Mr. GORE on the 24th instant, as follows:

Resolved, That the Federal Trade Commission be requested, as soon as organized, to investigate the following matters and report its findings to the Senate:

1. The relation now existing among the several branches or companies into which the Standard Oil Co. was resolved after its dissolution in pursuance of the decision of the Supreme Court.

2. The relation between the producing, purchasing, transporting, and refining agencies of the Standard Oil Co. or its branches and the methods and practices on the part of such agencies toward the independent producers, transporters, and refiners of oil.

3. The efforts of the Standard Oil Co. or the companies into which it was divided to control the price of crude oil and the price of its refined products, as well as the results of such efforts.

4. The capital and declared dividends of the Standard Oil Co. for three years prior to dissolution, and as to the capital and declared dividends of the several companies into which it was resolved since the date of its dissolution, together with a comparison of such earnings with the earnings of independent oil-refining companies.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

STANDARD BOX FOR APPLES.

The VICE PRESIDENT. The morning business is closed.

Mr. JONES. There has been a motion pending to reconsider the vote by which the bill (S. 4517) to establish a standard box for apples, and for other purposes, was passed. The bill was recalled from the House and the motion to reconsider has been pending for some time. I think it will take only a minute or two to dispose of it. I should like to have it disposed of.

The VICE PRESIDENT. The question is on the motion to reconsider the vote by which the Senate passed the bill.

Mr. OVERMAN. Who made the motion to reconsider?

Mr. JONES. The Senator from Minnesota [Mr. CLAPP], in order that he might offer a couple of amendments to the bill which the friends of the bill think would practically emasculate it. So I hope the motion to reconsider will be defeated.

The motion to reconsider was rejected.

The VICE PRESIDENT. The bill will be returned to the House of Representatives.

BOUNDARY LINE BETWEEN CONNECTICUT AND MASSACHUSETTS.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 3550) ratifying the establishment of the boundary line between the States of Connecticut and Massachusetts, which were to strike out all after the title down to the enacting clause and to strike out all after the enacting clause and insert:

That Congress hereby consents to the establishment of a boundary line between the States of Massachusetts and Connecticut, heretofore agreed upon by said States, which boundary line is shown by duplicate maps, one copy of which has been deposited with the secretary of state of Massachusetts and another copy in the library of the State of Connecticut, and which boundary line has been fixed and determined according to the terms of an act of the Legislature of the State of Connecticut entitled "An act establishing the boundary line between Connecticut and Massachusetts," approved June 6, 1913, which act has been sent to and received by the State of Massachusetts, and an act of the Legislature of the Commonwealth of Massachusetts entitled "An act to establish the boundary line between the Commonwealth of Massachusetts and the State of Connecticut," approved March 19, 1908, which act has been sent to and received by the State of Connecticut each of which acts contains a full description of said boundary line.

Mr. McLEAN. I ask immediate action on the amendments of the House, if there is no objection.

The VICE PRESIDENT. Are they satisfactory to the Senator from Connecticut?

Mr. McLEAN. The change made by the House, I understand, is merely to eliminate the preamble in accordance with the law. There is no change in the substance of the bill, and I certainly hope that the amendments will be concurred in.

The VICE PRESIDENT. The Senator from Connecticut moves that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

PROPOSED ANTITRUST LEGISLATION.

Mr. CULBERSON. I move that the Senate proceed to the consideration of the conference report on the disagreeing votes of the two Houses upon the bill (H. R. 15657) to supplement existing laws against unlawful restraints and monopolies, and for other purposes.

Mr. POINDEXTER. Will the Senator from Texas withhold his motion for a minute until I ask consent to take up a brief matter—House joint resolution 241, for the appointment of four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers? There is no quorum on that board and there are a great many important matters needing attention. I have a statement from one of the members of the board to that effect.

Mr. CULBERSON. I ask the Senator from Washington if the joint resolution will provoke discussion?

Mr. POINDEXTER. I think none at all. I can not imagine that there will be any objection to it.

Mr. CULBERSON. I will withhold the motion for the present.

Mr. JONES. I wish to call the attention of my colleague to the fact that the Senator from Ohio [Mr. BURTON] has objected to it heretofore, and he is not present this morning.

Mr. POINDEXTER. I did not know that. I did not know there had been any objection to it.

Mr. JONES. He objected to it a time or two.

Mr. POINDEXTER. If the Senator knows that to be the case, I will withdraw the application until the Senator from Ohio is here.

Mr. CULBERSON. I renew my motion.

The VICE PRESIDENT. The Senator from Texas moves that the Senate resume the consideration of the conference report on the bill (H. R. 15657) to supplement existing laws against unlawful restraints and monopolies, and for other purposes.

The motion was agreed to.

Mr. REED obtained the floor.

Mr. LEWIS. Will the Senator from Missouri pardon me for one inquiry?

Mr. REED. I yield for that purpose.

Mr. LEWIS. May I ask the junior Senator from Michigan [Mr. TOWNSEND], who has charge of the bill providing for a retired list for volunteer soldiers, what is the disposition as to that bill? I understood it was to be resumed this morning.

Mr. TOWNSEND. The consideration of the bill was to have been resumed this morning if it could have been placed before the Senate. The Senator from Texas [Mr. CULBERSON] secured recognition to call up the conference report, and in order for me to get the bill up at this time it would be necessary for me to supplant the motion that has been made and carried. I realize that that would be difficult for me to do, because there are some Senators who profess to be friends of this measure, and I have no doubt they are, who have said they would not like to displace a conference report with it.

I have tried the best I could from the first to accommodate myself to Senators. I have not pressed the bill unduly. I tried on Saturday, when a Member of the Senate proclaimed that there was nothing for the Senate to do. I tried at that time to get it up, but the quorum was broken, and it was impossible.

Mr. LEWIS. May I understand——

Mr. BRYAN. Mr. President, I call for the regular order.

The VICE PRESIDENT. The Senator from Missouri is recognized.

Mr. TOWNSEND. I understood that the Senator from Missouri yielded to the Senator from Illinois.

Mr. LEWIS. I only desired to be assured——

Mr. REED. I yielded to the Senator from Illinois for the purpose of an inquiry.

Mr. LEWIS. I thank the Senator from Missouri. I was only attempting to ascertain in behalf of myself and others interested that the volunteer retirement bill would not come up to-day, or, if to-day, not until after the conference report was disposed of. Am I correct in that assumption?

Mr. TOWNSEND. I wish to say to the Senator that I shall take advantage of the first opportunity to get this bill up to-day or any other day. If I could arrange a day certain when it would come up I am sure the Senate would be accommodated. I should like to, but I feel certain I can not.

Mr. LEWIS. I appreciate the courtesy of the Senator from Missouri.

Mr. REED. Mr. President, this bill is entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes." I shall endeavor to show that, if it passes in its present form, the title ought to be amended to read:

"An apology to unlawful restraints and monopolies."

I may be pardoned for briefly stating my position on the various phases of this legislation.

ATTEMPTS TO RESTORE CRIMINAL PENALTIES AND OTHERWISE TO STRENGTHEN THE BILL.

As a member of the Judiciary Committee I insisted from the first on retaining all of the substantive provisions of the House bill except section 3. The section not being before the Senate, I need not further discuss it.

I voted for and insisted upon the retention of every criminal penalty.

When the committee struck out section 2, which sought to prohibit trusts and monopolies from crushing smaller competitors by temporarily cutting prices in the trade territory of a competitor, thus driving him into bankruptcy and out of business, I insisted upon its restoration.

When the committee struck out section 4, which prohibited the owner of an article from stipulating in the contract for lease or sale that the purchaser or lessee must buy his other supplies or goods from the seller or lessor, I contended for the restoration of the section. I renewed this contest upon the floor of the Senate, and when my efforts were defeated by a majority of one I brought forward the same question a second time. Again the Senate refused to restore the section, but the direct result of that contest was the introduction of a substitute section drawn by Senator WALSH. Indeed, the known fact that the Walsh substitute would be offered probably accounts for the majority of the Senate voting against the restoration of the section.

The Walsh substitute prohibited the class of contracts referred to, but limited the prohibition to articles covered by patents. This substitute was offered to meet the decision of the Supreme Court of the United States in the case of Henry against Dick, rendered March 11, 1912, which I had cited, and which clearly demonstrated that contracts of the character referred to had been held to be legal when they were made with reference to a patented article.

But the Walsh amendment did not contain any penal clause. Upon the floor of the Senate I offered an amendment making the practice referred to a misdemeanor, punishable by a fine of $5,000 and imprisonment for one year, or both, in the discretion of the court. The amendment was adopted.

When the committee struck out various other sections of the bill I protested against that action.

I supported the proposition to make the final judgment or decree of a court "heretofore or hereafter rendered" prima facie evidence in other proceedings.

I supported the proposition not only to prohibit corporations from owning stock of other corporations, if the Government could prove that such acquisition would lessen competition, but I opposed the insertion of the word "substantial," and sought to have such stock ownership absolutely prohibited.

I offered an amendment providing that no corporation other than common carriers having a capital stock and surplus in excess of $250,000,000 could engage in interstate commerce. The amendment was rejected.

I offered an amendment, which appears as section 25 of the bill as it passed the Senate, providing that whenever a corporation shall acquire or consolidate the ownership or control of the plant, franchises, or other properties of corporations, copartnerships, or individuals, so that it shall be adjudged to be a monopoly or combination in restraint of trade, the court rendering such judgment shall not only decree its dissolution but shall appoint receivers and wind up its affairs, and shall divide it so as to restore competition. This amendment was passed in the Senate and stricken out in conference.

I supported an amendment extending the statute of limitations in actions brought against trusts to six years. This amendment has been stricken out in conference.

I have supported every proposition contained in the House bill imposing criminal penalties for trust practices. I have done this because I have believed for years that men who engage in the business not of honest trade but of crushing and destroying business rivals, not of seeking to serve the public for an honest profit but of practicing extortion by the power of combination, should be classed as common criminals, and should be so treated.

I have been further impelled to this course by the fact that the Democratic platforms for years have loudly demanded the imposition of criminal penalties.

I have insisted that the jurisdiction to enforce the provisions of this supplemental trust legislation should not be taken from the courts, but that at least the courts should retain jurisdiction to enforce the provisions of the act, even though a concurrent jurisdiction might be vested in various boards and tribunals.

If my attempts have not been altogether or at all successful, I at least have the satisfaction of knowing that my course is fully justified by the platforms of the Democratic Party, by my own conscience, and, I believe, by the enlightened opinion of the people of my own State

Mr. President, I have said this much of a personal nature, because I want the Senate and so much of the country as is interested to know that the attitude I am assuming here to-day I have maintained from the first.

A Dough-Bullet Bill.

THE CONFERENCE REPORT STRIKES OUT ALL CRIMINAL PENALTIES FOR TRUST PRACTICES.

If the allies had undertaken to stop the German invasion with dough bullets, the soldiers of the Kaiser would have occupied Paris in 24 hours.

So far as its antitrust features are concerned, this is a dough-bullet bill. The powerful and intrenched monopolies can not be driven from their fortifications with that kind of ammunition. The task requires solid shot.

This measure has been loudly heralded as the Clayton antitrust bill It should be now known as the "conferees' capitulation bill." Presumably it was brought forward as the legislative crystallization of the years-old Democratic promise that the trusts should be exterminated root and branch. The people were led to believe that the Democratic Party, now in full possession of all branches of the Government, by this bill intended to make private monopoly, which has hitherto been characterized as "indefensible and intolerable," both unprofitable and dangerous.

In its inception this legislation was a challenge to the field of battle. In its finality it is a sort of Hague propaganda promulgated under white flags to the soothing melodies of "Peace on earth, good will toward the trusts."

The doctrine of extermination has given place to the policy of diplomatic negotiations to be conducted by various boards, with the express understanding that, whatever the result, no law violator is to be hurt, no trust magnate is to be sent to jail, no rude sheriff or marshal is to lay his callous fingers upon the perfumed collar of a captain of industry.

Mr. Rockefeller, like another Richard, can thus soliloquize:

> Now is the winter of our discontent
> Made glorious summer by these conferees,
> And all the clouds that loured upon our house
> In the deep bosom of the ocean buried.
> Now are our brows bound with victorious wreaths,
> Our bruised arms hung up for monuments,
> Our stern alarums changed to merry meetings,
> Our dreadful marches to delightful measures.
> Grim-visaged war hath smoothed his wrinkled front;
> And now, instead of hiding out in Europe
> To 'scape the fearful process of the courts,
> We caper nimbly in the stock exchange
> To the lascivious pleasing of the ticker.

THE SHERMAN ACT HIGHLY PENAL.

The Sherman Antitrust Act has been upon the books for 24 years. During all that time it has disturbed the dreams and troubled the waking hours of trust magnates.

With brutal frankness and shocking candor it declares that "every person who shall make any contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade, or who shall monopolize interstate trade or commerce, shall be guilty of a misdemeanor and shall be punished by a fine not exceeding $5,000, or imprisonment not exceeding one year, or by both." By positive command it directs the Department of Justice to enforce its drastic, harsh, and ungentle provisions.

We are now about to prescribe a new procedure which does not contain a single criminal penalty for trusts—not one.

The New Method of Dealing with Trusts.

COMMISSIONS SUBSTITUTED FOR COURTS—INVESTIGATIONS AND ORDERS FOR INDICTMENT AND IMPRISONMENT.

Previous to the enactment of this legislation there was but one road the officers of the law could travel in pursuit of a conspirator against commercial independence.

We have by this bill provided another legal highway, the great length and numerous meanderings and sinuosities of which eventually lead to certain hybrid tribunals called commissions, without power even to enter a final decree. They can neither levy a fine, enforce a mandate, nor send a single culprit to jail. They can not even tax the costs.

After time has for years run its weary course and the ingenuity of counsel has at last failed to furnish an excuse for misconduct or find escape in legal technicality, the worst fate the trust can suffer under this bill is that it may be directed to stop some particular practice, in which event the trust magnate's disappointment is palliated by the consoling reflection that he retains the loot, is in no danger of the jail, and is free to devise some new and equally safe plan of plunder.

Accordingly, having provided the two roads where there was but one, and thus afforded a sometimes reluctant Attorney General the choice of alternatives, it is easy to understand that the one just now created will be most generally employed.

We refuse to lay the knife to the root of the cancer. For the old surgery which cut out the diseased part we have adopted a system of painless poultices as undisturbing to the patient as absent treatment secretly administered.

I venture the prediction that the new procedure will be welcomed by the trusts, because it affords a means of avoiding prosecution in real courts where painful results may follow. Whenever a law violator shall hereafter feel himself in danger of a criminal prosecution, he naturally will rush to some one or the other of the commissions, procure the filing of a charge against him, and thereupon cry, "Sanctuary!"

How the Clayton Bill was Emasculated.

The genesis and progress of this legislation are alike interesting and instructive.

When the Clayton bill was first written it was a raging lion with a mouth full of teeth. It has degenerated to a tabby cat with soft gums, a plaintive mew, and an anemic appearance. It is a sort of legislative apology to the trusts, delivered hat in hand, and accompanied by assurances that no discourtesy is intended.

Before discussing the disintegration of the Clayton bill, I advance these observations:

If the Sherman Act was in itself sufficient to destroy monopoly and prevent restraint of trade, then it needs no change. Amendment of the trust laws can only be justified upon the theory that in some important respect the law has failed to protect against the trust practices under which the people have suffered. If, then, there is a class of evils employed by powerful combinations which oppress the people, which are contrary to sound public policy, and destructive of commercial liberty; if these devices are employed by those who are willing to sacrifice the general welfare for their private emolument and profit, such practices should be denounced by the law, and the perpetrators thereof punished as are other criminals.

If, however, the practices are of so innocent a character as to produce but trifling annoyance, it is a grave question whether legislation is either necessary or desirable.

It is not the business of Congress to undertake to accomplish the impossible task of eradicating every slight or trifling embarrassment. It is our duty to reach the great evils.

After 24 years of experience under the Sherman Antitrust Act it has been concluded that evils of a grave nature do exist which can not be effectively reached under it.

It is recognized that certain vicious practices are constantly employed, not only by existing monopolies, but by those who are engaged in creating monopoly.

These practices are all inherently unjust, oppressive, and wicked; they are perpetrated willfully, deliberately, and premeditatedly; they are not the result of accident, misunderstanding, or mistake; they are as coolly entered upon and cruelly executed as is the plan of a dynamiter who manufactures a bomb to destroy life and property.

There are four well-known devices, each of which has long been employed by the great combinations and trusts of the country to destroy competition. To eradicate these evils the House passed the Clayton bill. If the press is to be credited, so great was the confidence of the President in the learned chairman of the Judiciary Committee of the House, Mr. Clayton, that he was requested to remain at his post in Congress until the bill could be completed.

The result of his labors was an act defining, prohibiting, and penalizing four of the most oppressive practices of monopoly.

Section 2 prohibited price discriminations done for the purpose of destroying or wrongfully injuring the business of a competitor.

Section 4 denounced tying contracts in general. This is the device by which a manufacturer controlling a patented or staple article compels all who purchase or lease it to agree to purchase other goods or supplies from the seller, thus aiding him in restraining the trade of rivals and enabling him to create a monopoly.

Section 8 prohibited a corporation from owning the capital stock of another corporation where the effect would be to substantially limit or lessen competition.

It also prohibited holding companies where the effect of their stock holdings was to substantially lessen competition.

A violation of any of these sections was punishable by fine and imprisonment.

Section 12 broadly declared that whenever a corporation should violate any of the provisions of the antitrust laws the responsible directors and officers should be guilty of a misdemeanor.

It will be observed that these four sections—2, 4, 8, and 12—applied to trusts and monopolies. They were calculated to reach the principal devices employed by monopoly to crush rivals and despoil the public.

The criminal provisions have been stricken out as to sections 2, 4, and 8. Section 12 is emasculated, as I shall show.

Mr. WALSH. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Montana?

Mr. REED. I do.

Mr. WALSH. I desire to interrupt the Senator here to say that I do not understand that any one of these sections applied to trusts and monopolies. I understand that the bill was not intended to reach the practices of trusts and monopolies. The members of the Judiciary Committee, at least, did not intend that it should. It was the common belief that the practices of actual trusts and monopolies are already amply taken care of by the law. It was intended to reach the practices that were not the practices of things that have developed into trusts and monopolies, but were practices of trade which, if persevered in and continued and developed, would eventually result in the creation of a monopoly or a trust.

It seems to me that the Senator will hardly be able to justify by the language of the bill the statement now made, that these sections were intended to suppress the practices of trusts and monopolies.

Mr. REED. Mr. President, as the bill came from the conference committee it undoubtedly was not intended to suppress the practices of trusts or monopolies; and, in my opinion, it is not calculated to suppress anything, except the rising indignation of the public, by for a time deceiving it into the belief that we are doing something we are not in fact doing.

Mr. WALSH. I referred to the bill as it was presented to us from the House, not to the conference report.

Mr. REED. I make the prediction, notwithstanding the apology of the Senator for the form of this bill——

Mr. WALSH. Mr. President, if the Senator will pardon me, the remark that the Senator from Montana is apologizing seems to me quite aside from the question. I am apologizing for nothing. I simply challenge the statement of the Senator, now made solemnly, that these four sections were intended, as the bill came from the House, to suppress the practices of trusts and monopolies. As the bill came from the House it was believed and understood that the practices of actual trusts and actual monopolies were already provided for by the law. It was to suppress those practices which, if persevered in and developed, would eventually result in the creation of a monopoly—trusts in their very incipiency, before they had reached the stage where the Sherman Act would take hold of them.

Mr. REED. Mr. President, every one of these practices results in a restraint of trade; but the restraint may, nevertheless, be hard to prove. Every one of them tends to monopoly, yet, again, that fact may in a particular case be difficult of legal demonstration. Until they have reached the point of restraint of trade no harm has been done. The purpose of this bill was something more than the Senator would have us believe. I propose to proceed to discuss it in my own way. A little later on I shall refer again to the plea in confession and avoidance which has just been entered.

It is now confessed, therefore, by one of the sponsors of this bill, that it is not intended to touch the trusts and monopolies. I say that the people of the United States have expected us "to touch trusts and monopolies," and I am glad to be met in the early part of this discussion with an admission that we have not laid so much as a finger upon them.

DEMOCRATIC PLATFORM VIOLATED.

I was remarking when I was interrupted that these four practices had been condemned by Democratic platforms. I shall undertake to show not only that they were condemned but that we specifically pledged the application of criminal penalties to them by our platforms. I might also say that Republican platforms have strongly tended in the same direction. The only platform I know of that has ever proposed to treat these concerns in any other way than by criminal penalties and drastic legislation was the Bull Moose platform, which to-day might be read as a requiem at the dying bedside of that emaciated, discredited, and almost forgotten animal. Inspiring that Bull Moose platform, which is so faithfully followed by this bill, was the Hon. George W. Perkins, author of the Harvester Trust and various other combinations. I shall have more to say of that later.

The Democratic platform of 1912 read as follows:

A private monopoly is indefensible and intolerable. We therefore favor the vigorous enforcement of the criminal as well as the civil law against trusts and trust officials, and demand the enactment of such additional legislation as may be necessary to make it impossible for a private monopoly to exist in the United States.

We favor the prevention of holding companies, of interlocking directorates, of stock watering, of discrimination in price, and the control by any one corporation of so large a proportion of any industry as to make it a menace to competitive conditions.

We condemn the action of the Republican administration in compromising with the Standard Oil Co. and the Tobacco Trust, and its failure to invoke the criminal provisions of the antitrust law against the officers of those corporations after the court had declared that from the undisputed facts in the record they had violated the criminal provisions of the law.

In that section of the platform which begins by anathematizing the trusts and monopolies as indefensible and intolerable and which concludes with a condemnation of the administration of the Department of Justice for not enforcing criminal penalties—between that beginning and end the platform named the four practices specified in this bill, all of which now appear without a criminal penalty being provided.

We also added a further clause to that section of our platform. Let me read it:

We regret that the Sherman antitrust law has received a judicial construction depriving it of much of its efficacy, and we favor the enactment of legislation which will restore to the statute the strength of which it has been deprived by such interpretation.

The very purpose of this legislation was to redeem that platform pledge. It was to restore the strength of the statute and to make it more drastic and all-embracing. It was the purpose of this legislation to extend the criminal penalties to acts which standing by themselves, under the old law, might not be reached because the complainant might not be quite able to prove that trade had actually been restrained or the actual existence of a monopoly.

Mr. WALSH. Mr. President, will it trouble the Senator if I interrupt him there?

Mr. REED. Not at all.

Mr. WALSH. I simply wish to say that the Senator has now expressed quite accurately my idea of this legislation. It is to reach these practices in the case of corporations and others against whom you can not get proof enough to establish that they constitute a trust or monopoly. The Senator has now very accurately expressed my idea of the scope of this legislation.

Mr. REED. And it was also intended to make it so that when an institution like the Standard Oil Co., for the purpose of destroying a rival, cuts the price of oil below the point of the cost of production, by simply proving that fact, together with the fact that the cutting was purely local and not general, you would have made out a good case.

It was intended to reach the trust and deprive it of the power to exercise an enormous control through interlocking directorates.

It was intended to prevent it from owning a majority of the stock of a lot of other corporations, thus controlling a string of corporations and keeping them under one management.

It was intended to reach all of the practices I have named. It was for these purposes the bill was drawn and the criminal penalties attached. It was not intended, as the Senator would have us believe, to reach only those innocent and small institutions which may be doing something that really injures no one. Such institutions call for no legislation.

Criminal penalties were embraced in every one of the four sections of the Clayton bill which I have heretofore set out. As that provision came to us all of them contained this language:

Whoever shall violate the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $5,000 or by imprisonment not exceeding one year, or by both, in the discretion of the court.

The criminal penalty has in every instance been stricken from the antitrust sections of the bill.

The trusts of the country under this bill can not be fined, can not be imprisoned, can not be sent to jail, can not be punished in any way except by the command "please stop doing what you are now doing."

Mr. OVERMAN. Mr. President, I wish to understand the Senator's statement.

Mr. REED. Criminal penalties have been reserved in the bill, but they do not touch industrial monopoly.

Mr. OVERMAN. Does the Senator mean that a trust can not be punished criminally?

Mr. REED. Under this bill.

Mr. OVERMAN. Oh.

Mr. REED. That is what I said.

Mr. OVERMAN. What does this mean——

Mr. REED. I know what the Sherman Act means.

Mr. OVERMAN. Of course.

Mr. REED. I can almost repeat the Sherman Act verbatim from memory. If the Sherman Act is sufficient unto itself, why need we have even mentioned the word "trust" in this bill? I am complaining because you pretend to pass antitrust legislation, and from that pretended antitrust legislation you have taken the criminal penalties.

Mr. OVERMAN. If the Senator will pardon me, he was one of the many advocates of not touching the Sherman antitrust law.

Mr. REED. Certainly, I was opposed to doing anything that would impair or destroy that law.

Mr. OVERMAN. And he admits a trust can be punished and put in the penitentiary now. Then, what is the use for us to pass any legislation regarding the trust itself? This is intended to prevent the formation of a trust.

Mr. REED. Mr. President, Senators will have great difficulty in imposing upon anybody by attempting thus to becloud the issue. I have already said with great distinctness and clearness that the Sherman Antitrust Act does have criminal penalties. I have said with great distinctness and clearness that if it covers trust practices completely and absolutely we do not need any new legislation. I have said with equal distinctness that this new legislation was in its inception supposed to reach certain practices more easily than they could be reached under the old law, and that as to the new legislation you have taken out every criminal penalty applicable to the trust. You preserve them as to railroads and corporations selling to railroads, and the omission of criminal penalties for the trusts is somewhat curious when we find them preserved as to other corporations. Criminal penalties, I remark again, have been preserved in the bill, but in no case do they touch the industrial monopoly. From every section, denouncing the evil practices of these masters of the commercial world, has been drawn the last fang and claw which by any possibility might draw even a drop of blood from the veins of monopoly. The Clayton bill when it started upon its journey was a criminal statute. The remedies proposed were chiefly fine and imprisonment. As the measure comes to us from the conferees it is not, so far as the trusts are concerned, penal; it is merely prohibitive, and the prohibition is to be effectuated through various nonjudicial boards, without power themselves to prohibit or punish.

The bill has been otherwise emasculated. It has been rendered, in my opinion, so far as trust legislation is concerned, absolutely valueless. Let me trace these changes. And, Mr. President, in view of the fact that there are very few Senators in the Chamber, and as a bill of this kind does not appear sufficiently important to elicit their distinguished consideration, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Borah	Jones	Perkins	Smoot
Bristow	Kern	Pittman	Sterling
Bryan	Lea, Tenn.	Poindexter	Swanson
Chilton	Lee, Md.	Ransdell	Thornton
Crawford	Lewis	Reed	Townsend
Culberson	McCumber	Shafroth	Vardaman
Fletcher	Martine, N. J.	Sheppard	Walsh
Gore	Myers	Shields	Warren
Hitchcock	Nelson	Shively	West
Hughes	Overman	Smith, Ariz.	White
Johnson	Page	Smith, Ga.	

Mr. TOWNSEND. The senior Senator from Michigan [Mr. SMITH] is absent from the Senate on important business. He is paired on all votes with the junior Senator from Missouri [Mr. REED]. This announcement may stand for the day.

Mr. LEA of Tennessee. I wish to announce the necessary absence of the junior Senator from Kentucky [Mr. CAMDEN] on account of illness.

Mr. WARREN. I desire to announce the unavoidable absence of my colleague [Mr. CLARK]. He is paired with the senior Senator from Missouri [Mr. STONE].

Mr. SMOOT. I desire to announce the absence, by the leave of the Senate, of the senior Senator from New Hampshire [Mr GALLINGER]. He is paired with the junior Senator from New York [Mr. O'GORMAN].

I wish also to announce the necessary absence of my colleague [Mr. SUTHERLAND], who is paired with the senior Senator from Arkansas [Mr. CLARKE].

I wish also to state that the junior Senator from West Virginia [Mr. GOFF] is necessarily absent and that he is paired with the senior Senator from South Carolina [Mr. TILLMAN].

Mr. PAGE. I desire to announce that my colleague [Mr. DILLINGHAM] is necessarily absent. He is paired with the senior Senator from Maryland [Mr. SMITH]. I will let this announcement stand for the day.

Mr. SHAFROTH. I desire to announce the absence of my colleague [Mr. THOMAS], by leave of the Senate, and to state that he has a general pair with the senior Senator from New York [Mr. ROOT].

Mr. LEWIS. I desire to announce the absence of the Senator from Oregon [Mr. CHAMBERLAIN], who was suddenly called from the Chamber on an emergency matter.

The VICE PRESIDENT. Forty-three Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of absent Senators, and Mr. SMITH of South Carolina, Mr. THOMPSON, and Mr. WILLIAMS answered to their names when called.

Mr. STONE, Mr. ASHURST, and Mr. MCLEAN entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present. The Senator from Missouri will proceed.

AMENDMENTS FAVORABLE TO TRUSTS.

TRUSTS PROTECTED AGAINST USE OF DECREES AS EVIDENCE.

Mr. REED. Mr. President, the original Clayton bill contained certain other provisions of great force and virtue which have been practically destroyed in the conference or in the Senate, but especially in the conference.

Section 3—conference section 4—gave every person injured by anything forbidden in the antitrust laws the right to sue and recover threefold damages.

Section 4—conference section 5—as it left the Senate gave the Government or a private complainant the right to use in evidence any final judgment against a monopoly either *heretofore* or hereafter rendered.

Under these two sections private citizens or the Government could sue and avail themselves of every decision, decree, and finding rendered up to the date of trial and they could be introduced in evidence, and the work of traveling over the same ground at enormous labor and expense obviated.

The conferees have practically destroyed this valuable right by providing that judgments heretofore obtained can not be used in evidence. Not content with that emasculation, they have added this indefensible and detestable provision:

Provided, That this section shall not apply to consent judgments or decrees entered before any testimony has been taken: *Provided further*, That this section shall not apply to consent judgments or decrees rendered in criminal proceedings or suits in equity now pending in which the taking of testimony has been commenced but has not been concluded: *Provided*, That such judgments or decrees are rendered before any further testimony is taken.

When the conferees eliminated the word "heretofore" they cut off from use as evidence the findings and judgments rendered in the 82 great trust cases which have been heretofore decided against the trusts. These cases embrace such important suits as the Standard Oil case, American Tobacco case, Joint Traffic Association case, Northern Securities case, the Lumber Co. case, the Harvester Trust case, and many others, a list of which I herewith furnish, and which I desire to have printed as a part of my remarks.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The list referred to is as follows:

LIST OF CASES DECIDED UNDER THE SHERMAN ANTITRUST ACT IN WHICH THE GOVERNMENT WAS SUCCESSFUL.

United States *v.* Jellico Mountain Coal Co.
United States *v.* Workingmen's Amalgamated Council of New Orleans et al.
United States *v.* Elliott.
United States *v.* Joint Traffic Association.
United States *v.* Addyston Pipe & Steel Co.
United States *v.* Coal Dealers' Association.
United States *v.* Chesapeake & Ohio Fuel Co. et al.
United States *v.* Northern Securities Co. et al.
United States *v.* Swift & Co. et al.
United States *v.* The Federal Salt Co. et al.
United States *v.* The Federal Salt Co. (criminal case).
United States *v.* General Paper Co. et al.
United States *v.* MacAndrews & Forbes Co. et al.
United States *v.* Metropolitan Meat Co. et al.
United States *v.* Nome Retail Grocers' Association.
United States *v.* Otis Elevator Co. et al.

United States v. F. A Amsden Lumber Co. et al.
United States v. National Association of Retail Druggists.
United States v. Phoenix Wholesale Meat & Produce Co.
United States v. Standard Oil Co. of New Jersey et al.
United States v. Atlantic Investment Co. et al.
United States v. American Seating Co. (two cases).
United States v. The Reading Co. et al.
United States v. National Umbrella Frame Co. et al.
United States v. American Tobacco Co. et al.
United States v. Charles L. Simmons et al.
United States v. Union Pacific Railroad Co. et al.
United States v. E. J. Ray et al. (two cases).
United States v. John H. Parks et al.
United States v. Albia Box & Paper Co. et al.
United States v. John S. Steers et al.
United States v. Imperial Window Glass Co. et al.
United States v. Missouri Pacific Railroad Co. and 24 other railroads.
United States v. Southern Wholesale Grocers' Association.
United States v. Great Lakes Towing Co. et al.
United States v. Frank Hayne, James A. Patten et al.
United States v. Standard Sanitary Manufacturing Co. et al. (two cases).
United States v. General Electric Co. et al.
United States v. William P. Palmer et al. (five cases).
United States v. F. W. Roebling et al.
United States v. Phillip H. W Smith et al.
United States v. Frank N. Philips et al.
United States v. E. E. Jackson, jr., et al.
United States v. Lake Shore & Michigan Southern R. R. et al.
United States v. Standard Wood Co. et al.
United States v. Hunter Milling Co., Blackwell Milling & Elevator Co., and Frank Foltz.
United States v. A. Haines et al. (two cases).
United States v. Pacific Coast Plumbing Supply Association et al.
United States v. New Departure Manufacturing Co. et al.
United States v. Aluminum Co. of America.
United States v. Central West Publishing Co. et al.
United States v. Consolidated Rendering Co. (two cases).
United States v. Philadelphia Jobbing Confectioners' Association.
United States v. Page et al.
United States v. Krentler Arnold Hinge Last Co. et al.
United States v. The Southern Wholesale Grocers' Association et al.
United States v. International Brotherhood of Electrical Workers' Local Unions Nos. 9 and 134 et al.
United States v. The Burroughs Adding Machine Co. et al.
United States v. American Coal Products Co. et al.
United States v. The New Departure Manufacturing Co. et al.
United States v. Thompson et al.
United States v. International Harvester Co. of America.
The Eastern States Lumber Dealers' Association case.
The Bituminous Coal case.
The Alaska Transportation cases.
The Southern Wholesale Grocers' Association case.
The National Wholesale Jewelers' Association case.
The Thread case.
The American Telephone & Telegraph Co. case.

Mr. REED. Briefly and broadly speaking, the above cases embrace the entire field of trust litigation; they cover the practices and relate to the conduct of the principal trusts of the United States. These trusts are still in existence. They are still following the very practices denounced by this bill, many of them now liable to the private citizen and to the Government for infractions of the law; and yet, after the Government has gone to the expense in all these 82 cases of collecting the evidence, of proving a case, and of obtaining judgment, the conferees provide that the evidence, judgments, and records can not be used against any one of the already convicted criminals.

Why is that restriction put into this bill? Why did the conferees thus destroy the vitality of the bill? Why so tender to the convicted Standard Oil Co.? Why should we now deny to a citizen or to a State having further litigation with that company the right to use the record already made? Why should a State or a citizen, finding itself or himself oppressed by that great monster of the commercial world, be forced again to gather the testimony now on file? Why compel future litigants to do again the work performed by my State? Missouri sent its attorney general to the city of New York, there to be met by the refusal of the officers of the Standard Oil Co. to testify. He was compelled to go into court and obtain an order for the arrest of the recalcitrants, to spend eight or nine months of time in dragging from their reluctant lips and from their musty files evidence of their iniquity. Why should this evidence not be used by other litigants? Why should the Standard Oil Co. be thus favored by the conferees?

Mr. President, I raise the question of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Borah	Lee, Md.	Ransdell	Swanson
Bristow	Lewis	Reed	Thompson
Colt	McCumber	Shafroth	Thornton
Culberson	Martine, N. J.	Sheppard	Townsend
Gore	Nelson	Shields	Vardaman
Hitchcock	Overman	Shively	Walsh
Jones	Page	Smith, Ariz.	Warren
Kern	Pittman	Smith, Ga.	West
Lea, Tenn.	Poindexter	Smoot	Williams

The VICE PRESIDENT. Thirty-six Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of the absentees.

The Secretary called the names of the absent Senators, and Mr. ASHURST, Mr. HUGHES, Mr. JOHNSON, and Mr. STERLING responded to their names when called.

Mr. WHITE, Mr. FLETCHER, Mr. POMERENE, Mr. BRYAN, and Mr. SIMMONS entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-five Senators have answered to the roll call. There is not a quorum present.

Mr. VARDAMAN. Mr. President, Senators evidently are engaged in something else this morning, and in recognition of that fact I move that the Senate adjourn.

The VICE PRESIDENT. The question is on the motion of the Senator from Mississippi.

Mr. SMOOT. I ask for the yeas and nays.

The VICE PRESIDENT. Is the request for the yeas and nays seconded? [A pause.] Not one-fifth of the Senators present have seconded the request for the yeas and nays. The question is on the motion of the Senator from Mississippi that the Senate adjourn. [Putting the question.] The Chair is unable to determine. Those in favor of the motion to adjourn will rise. [A pause.] Those opposed will rise. [A pause.] It is quite evident the motion is lost.

Mr. CULBERSON. I call for the regular order, Mr. President.

The VICE PRESIDENT. The Chair does not know what the regular order is.

Mr. CULBERSON. There is a standing order, as I understand, that the Sergeant at Arms be directed to request the attendance of absent Senators.

The VICE PRESIDENT. There can not be a standing order to that effect.

Mr. CULBERSON. It has been frequently understood heretofore that there was such an order. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will request the attendance of absent Senators.

Mr. CHILTON, Mr. CLAPP, Mr. LANE, and Mr. STONE entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present.

Mr. REED. Mr. President, why should not this Government or any State of the Union or any private citizen, having been wronged by the Harvester Trust, and required to prove the fact that a trust exists, be allowed to lay down in court the transcript of the evidence secured by months of labor and toil, together with the decree of the court, against that company? Why should not the dealer in agricultural implements in the State of New Jersey or in the State of Arizona or in any other State, when he finds that the Harvester Trust has by some of its practices injured him in his business, be allowed in his suit for damages to lay down the record and decree in order to make his case, so far as the facts covered by the decree are pertinent? Why should he, having been injured but a few hundred or thousand dollars, be obliged to spend tens of thousands of dollars in traveling over a road that has already been painfully pursued by the Government? Why should he be obliged to take depositions all over the United States, to chase down the reluctant witnesses, and finally to bring into court the identical evidence which has already been gathered by the Government and solemnly preserved of record? What tender sentiment for the Harvester Trust inspired the conferees to deprive the people of the United States of that privilege which was written into this bill when it left the Senate?

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. CLAPP in the chair). Does the Senator from Missouri yield to the Senator from Idaho?

Mr. REED. I do.

Mr. BORAH. Has the entire section with reference to this matter been cut out, or has it simply been modified?

Mr. REED. It has been modified by striking out the word "heretofore." As the section read, it provided that a decision heretofore or hereafter rendered could be used in evidence. The conferees struck out the word "heretofore," and then—as I stated while my friend the Senator, I think, was temporarily absent from the Chamber—they added a clause cutting out substantially all of the pending cases. When they took out the word "heretofore" they cut off as evidence the 82 great trust decisions already rendered. When they added the proviso to which I shall presently call attention they substantially cut out all of the 46 cases now pending.

That provision is as follows:

Provided, That this section shall not apply to consent judgments or decrees entered before any testimony has been taken—

That clearly relates to the future and covers every case that may ever be brought where there is a consent judgment—

Provided further, That this section shall not apply to consent judgments or decrees rendered in criminal proceedings or suits in equity now pending in which the taking of testimony has been commenced but has not been concluded, provided such judgments or decrees are rendered before any further testimony is taken.

But I return to my theme, if the Senator will pardon me, and shall come again to this particular phase of it.

Why should a tobacco dealer in any State of the Union who believes he has been robbed and despoiled by the practices of the Tobacco Trust, and who desires to bring a suit for treble damages, be compelled to travel up and down the earth to produce the same witnesses and bring forward the identical evidence that has already been gathered by the Government, preserved in bills of exception, approved by the final decision of the Supreme Court of the United States, and solemnly crystallized into a decree by that great court? Why this tenderness for the Tobacco Trust? Why deal so gently and so kindly with these concerns that have ridden roughshod over the law; that have defied the courts for an entire lifetime? By what process of reasoning do the conferees justify their act in eliminating from evidentiary value the decisions already rendered?

Of course their action will be very pleasantly received in the office of every trust attorney in the United States. With this section in the bill as it passed from the Senate every man desiring to sue any one of the 82 concerns that have been convicted would have at hand the evidence that would make out the main body of his case and would be put to no greater exertion than is necessary simply to prove the damage he has suffered. The fact that the concern is a monopoly, the fact that it is engaged in a conspiracy against trade, the fact that it exists for the purpose of destroying competition, the fact that it has an enormous capital, vast resources, an army of agents—all of these things will be at hand; and he can lay down the decree in a court where his case is on trial and thus will have made out the hardest part of his case. But the conferees have relieved the tobacco company of that danger.

Mr. President, if the Government of the United States has a further controversy with the institutions concerned in and a part of the Joint Traffic Association, which was convicted in a suit brought on January 8, 1896, why should it be compelled again to find and introduce the same evidence which it has already once introduced?

Why should any city, town, or village desiring to purchase cast-iron pipe through which to conduct water to its inhabitants, upon discovering that the Cast-Iron Pipe Trust has a monopoly in that section of the country, and is engaged in charging extortionate prices, be compelled to go back and prove ab initio that that concern is a trust, to bring forward evidence as to the kind and character of organizations under which it operates, and to produce witnesses to swear to its various methods of procedure? Why should this be necessary, when in the case of the United States against the Addyston Pipe & Steel Co. all that evidence was accumulated, carefully sifted by the trial court, scrutinized and analyzed by the appellate courts, and finally its reception approved by the Supreme Court of the United States?

Of course the manager of that trust is delighted when he reads this conference report. He knows now that if anybody sues him that individual must spend thousands and perhaps tens of thousands of dollars again gathering the evidence, plodding wearily over the land, hunting for witnesses who are skilled in dogging subpœnas.

Why should a man or a State seeking to reach the National Association of Retail Druggists be compelled to produce anew the same evidence the Government has once gathered—evidence taken with the attorneys of that concern in court, evidence taken when it was given the full and complete right to defend itself?

Why should a citizen now being oppressed be forced to go out and get that same evidence? Of course the Retail Druggists' Association is delighted on this balmy autumn afternoon to know that the danger has been removed by 8 or 10 men sitting in conference.

Why should some shipper, finding that the old Reading outrage is still being perpetrated and desiring relief, be compelled to tread the wine press alone, although the vintage has already been trampled by the Government and a decision upon the law and facts rendered?

To compel the private citizen to collect this evidence again is to deny him justice and to permit the monopoly already convicted to go untouched by the lash of the law. Why this tenderness for this particular trust?

If the Union Pacific Railroad Co. were again to get into litigation with the Government, involving a question of combination, why should not the existing decree, so far as it is pertinent, and the evidence which has been collected be utilized again by the Government?

If Mr. Frank Hayne and Mr. James N. Patten were again to undertake to run a corner in cotton, why should not the evidence already taken in their cases, if pertinent to the issues, be available?

When the United States tried and convicted the Standard Sanitary Manufacturing Co. and had it fined $51,000 because it was a criminal, why should we be so gentle and tender with that criminal, if it again violates the law, as to deny the Government the right to use the evidence heretofore taken, if pertinent to the case?

The Government had a long battle with the General Electric Co. It made its case so firm that the company knew there was no possibility of escape, and so it consented to a decree. Of course that decree was not entered by the consent of an innocent concern. It was entered because guilt was so overwhelming and the evidence so conclusive that there was no escape. The lawyers had looked for every loophole, they had seized upon every technicality, had examined every avenue of escape, and seeing none, this beneficent institution consented to a decree. Now, because of the conference amendment, a citizen wronged by the practices the Government inveighed against in its petition can not use this solemn admission of guilt, lest the tender sensibilities of the confessed criminal shall be wounded. The institution ought to banquet those who are so kind to it.

There were some enterprising gentlemen under the name of W. P. Palmer et al. who entered into a combination under the title of the Weather Proof & Magnet Wire Association. They were violating the law. Of course they knew they were violating the law. They were indicted in some seven cases. Sometimes there were 33, sometimes 38, sometimes 17, sometimes 15, sometimes 14, and sometimes 10 defendants. They contended until contention was not only useless but dangerous, and then 36 defendants entered pleas of nolo contendere, and were fined $128,700. Now, a citizen wronged by this combination, robbed by these criminals, can not under this report of the conferees, if it becomes a law, introduce in evidence the record showing their plea of guilty.

Mr. President, I might continue to read case after case until I had read the eighty-six, and I could continue to iterate and reiterate what I have now said with reference to certain of the cases and make it applicable to all.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Montana?

Mr. REED. I do.

Mr. WALSH. Let me inquire of the Senator if he understands the purport of the bill as it is recommended by the conference committee to reach the case of a judgment entered on a plea of guilty.

Mr. REED. I do; a judgment by consent, in my opinion, covers a judgment entered upon a plea of nolo contendere.

Mr. WALSH. Now——

Mr. REED. If the Senator will pardon me, whether it is so covered or not all the old judgments are cut out under that clause of the bill which excepts all judgments heretofore rendered.

Mr. WALSH. I was not referring to that.

Mr. REED. I think it would be cut out now under the language of the bill even after judgment.

Mr. WALSH. That is what I wanted to inquire of the Senator. He thinks that the term "consent judgment" would reach to a judgment entered on a plea of guilty?

Mr. REED. I think it would. It is a judgment nolo contendere. It is really a judgment by consent.

Mr. WALSH. I would scarcely give that significance to the language.

Mr. REED. The language is this:

Provided, That this section shall not apply to consent judgments or decrees entered before any testimony has been taken.

Of course back of that lies the other provision, that past judgments are excepted.

Provided further, That this section shall not apply to consent judgments or decrees rendered in criminal proceedings or suits in equity now pending, in which the taking of testimony has been commenced but has not been concluded, provided such judgments or decrees are rendered before any further testimony is taken.

It is my opinion, from that language, that the deduction must be drawn that the exception applies to criminal as well as civil consents. The only way you can consent in a criminal case is by an absolute plea of guilty or the plea nolo contendere.

Mr. WALSH. Of course I understand that all past judgments are excluded, likewise judgments now entered in cases

pending by consent as well as past judgments by consent, but I scarcely think the Senator will care to say that judgments hereafter entered upon a plea of guilty would fall under the discrimination of consent judgments or decrees, because I take it that no criminal would ever consent that a judgment be entered against him when he pleads guilty. The judgment goes as a matter of course against him. If the Senator will pardon me——

Mr. REED. May I suggest to the Senator that without a statute expressly giving the right to use a decree the decree can not be used. So silence in the statute is deadly unless the observation I am now about to make is correct. But I will make that when the Senator has concluded his interruption.

Mr. WALSH. I have nothing further to say, except that the Senator will remember this was the subject of rather earnest discussion when the bill was before the Senate, and I think the Senator will recall that I took the position—and I encountered the opposition of the Senator—that the judgment should be made not only prima facie but conclusive in an action subsequently brought. If it be made prima facie, I see no reason why it should not be applicable to past decrees, but I am concerned now with reference to the meaning of the thing in the future. I am not able to agree with the Senator that in the future the judgment entered upon a plea of guilty in a criminal action would not be available under the proposed statute.

Mr. REED. Before the Senator takes his seat, since he has stated that he desired in the committee to have these judgments made conclusive——

Mr. WALSH. And on the floor as well as in the committee.

Mr. REED. And also on the floor, and that then I took the position that they should be made only prima facie, the Senator ought to say, in fairness to me, that I stated all along that if they could be made conclusive without impinging upon the Constitution and without destroying the validity of the law, I desired to have them made conclusive; but I doubted, and so the Attorney General's office doubted, the ability to make them conclusive; and lest we might destroy the law by going too far, and because I thought that if they were made prima facie they would be almost as valuable as if made conclusive, I took the position in favor of prima facie.

Mr. WALSH. Of course I am very glad to say that was the Senator's position and as well the position of all the members of the Judiciary Committee who objected to making the decree conclusive. My own judgment about the matter is that it is a right, as I said in the course of the debate on the floor, of very little value when it is made only prima facie evidence.

Mr. REED. I do not agree with the Senator on that. I believe if the judgment is made evidentiary and is sufficient to make out a prima facie case the jury will take care of the rest of the job.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. REED. I do.

Mr. BORAH. I want to see if we agree on what this section actually accomplishes in express terms. Section 5 as it now is says:

That a final judgment or decree hereafter rendered in any criminal prosecution or in any suit or proceeding in equity brought by or on behalf of the United States under the antitrust laws to the effect that a defendant has violated said laws shall be prima facie evidence against such defendant in any suit or proceeding brought by any other party.

That general clause limits all these judgments to the judgments which are hereafter taken. That is clear enough. Then it says:

Provided, That this section shall not apply to consent judgments or decrees entered before any testimony has been taken.

It cuts out all judgments that are rendered and all judgments entered by consent or decree entered before testimony has been taken.

Provided further, That this section shall not apply to consent judgments or decrees rendered in criminal proceedings or suits in equity, now pending, in which the taking of testimony has been commenced but has not been concluded, provided such judgments or decrees are rendered before any further testimony is taken.

That last proposition is a very peculiar provision and would seem to have been made to fit a particular case; that is, a case that is now pending in which the testimony is closed. There seems to be a case in existence that would just fit in there exactly.

Mr. LEWIS. In this connection——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Illinois?

Mr. REED. I do.

Mr. LEWIS. May I ask the Senator from Idaho does he mean to give us the information that from his viewpoint the statute prohibits all future judgments? The Senator used the words "future judgments." Does the Senator think the provision prohibits the use of any future judgments as prima facie evidence in civil proceedings?

Mr. BORAH. Oh, no. Did I say "future judgments"?

Mr. LEWIS. The Senator said so. I thought it must have been an error, or I had read the statute wrong.

Mr. BORAH. It was an error. I am obliged to the Senator. I said that all judgments heretofore rendered were cut out by the general clause to begin with. Then it says:

That this section shall not apply to consent judgments or decrees entered before any testimony has been taken.

That would include future judgments, that particular class, would it not?

Provided further, That this section shall not apply to consent judgments or decrees rendered in criminal proceedings or suits in equity, now pending, in which the taking of testimony has been commenced but has not been concluded—

That would cover future judgments as to that particular class. Of course the future judgments which are entered, however, are limited to a particular class of judgments.

Mr. OVERMAN. That only applies to suits that have been brought. It will not apply to suits hereafter brought.

Mr. LEWIS. I will say, answering the Senator from Idaho, if I may be pardoned by the Senator from Missouri, granting his viewpoint, if I am in error that it may be corrected, I assume that the provisions had been put in with a view to facilitating the Government to carry out consent matters which had been entered into in the form of settlement in equity proceedings wherein the defendant had possibly come into court and agreed upon a decree and thus relieved the Government of the necessity of taking evidence and the great expense incident thereto. I had in mind that possibly the New York, New Haven & Hartford Railroad litigation, which is now under settlement, was one of the things in consideration, and that if the provision to which the Senator from Missouri alludes had been left as it originally was the proceedings would have probably fallen, as the defendants would not wish to consent to a peaceable settlement with the Government when it was to act as a basis of private lawsuits for private individuals upon which to collect damages; but that hereafter having knowledge that such was not the basis of future civil proceedings it would then consent to a peaceful settlement with a full knowledge of the consequence.

I have an idea the object was to exclude those particular negotiations which are now on foot and which were undertaken before this provision was framed and in order to facilitate rather than to retard them. If I am in error as to that, and the Senator from Idaho and the Senator from Missouri think I am, I should like to be corrected. I merely offered that as my reason for thinking that was the motive for the exception.

Mr. BORAH. Of course I would not assume that the Senator from Illinois is in error as to his understanding of the provision, but I call the Senator's attention to this provision:

That this section shall not apply to consent judgments or decrees entered before any testimony has been taken.

That would cover any judgment of that kind which is entered under those circumstances in suits brought in the future, would it not?

Mr. LEWIS. I am intruding on the time of the Senator from Missouri.

Mr. REED. I am glad to accommodate.

Mr. LEWIS. I dare say that provision has in contemplation the encouragement of the defendants coming into court and confessing their violation of law wherever found, where there had not been a deliberate or criminal intent to allow them to escape the consequences by an honest confession and future avoidance, without penalizing them by this other section, which will enable persons to sue them in damages, but to enable persons to sue them in damages wherever they had held an attitude of belligerency to the Government and exposed the Government to the necessity of large costs in undertaking through the court to escape. I assume that that must be the reason.

Mr. REED. Let us assume that is the reason, and let us analyze it for a moment. In the first place, the Government ought not to desire that any citizen, individual or corporate, should ever come into court and confess to a violation of law unless the law has been violated. Nobody ought to hold out an inducement of any kind to seduce an unwary trust into a confession of guilt if it be not guilty. On the other hand, if it be guilty, will the Senator from Illinois tell me why it should not respond in damages, as the law says it should? Why, sir, if a trust be guilty of a restraint of trade, that is not enough to give me the right to recover damages against it; I must, in addition to showing that it has restrained trade, show that it

has thrust its hand into my pocket and taken my money. If it has done that, why should it not respond to me in damages? Why should the Government deprive me of the evidence incident to a confession of guilt?

Mr. OVERMAN. There is no question about responding in damages if guilty. It is only a question as to the introduction of testimony.

Mr. REED. Ah, but that is the whole question we are debating.

Mr. OVERMAN. No; it is not the question. They can bring suit just like they always could.

Mr. REED. Certainly. We propose by this section to extend the law so that if a citizen be wronged or the Government be again wronged the evidence once taken in a case may be used in subsequent litigation. It is now admitted that that is the proper theory upon which to proceed.

Mr. OVERMAN rose.

Mr. REED. Wait just a moment and then I will yield further. We are discussing this particular phase of the question: Shall the citizen or the Government be allowed to use a confession of guilt made in one suit in another suit and thus avoid the necessity of proving the case anew? Now, mark you, that does not make out a complete case for the citizen; he can not recover a penny unless he has been damaged and proves his damages.

Mr. OVERMAN. He ought not to.

Mr. REED. He should not recover damages, and he can not under any phase of this bill as it was originally drawn, as it left the Senate, or in any other phase unless he proves his damage. But he can be relieved of searching for evidence of the wrongful acts of a trust if they have already been proven or confessed.

Mr. OVERMAN. The reason why I rose was to ask a question. I understood the Senator to say that the Government was depriving him of the right to bring suit for damages.

Mr. REED. Oh, no; I said this bill as amended deprives him of the right to use a confession of guilt as evidence.

Mr. OVERMAN. Let us understand that. That is not true at all.

Mr. REED. It deprives him of the benefit of the evidence.

Mr. OVERMAN. Of making it prima facie evidence.

Mr. REED. Yes.

Mr. OVERMAN. And it ought to.

Mr. REED. And when the Government does deprive the ordinary citizen of the right to use that evidence it has substantially deprived him of the right to recover, and for the reason following: In order to prove the combination and the conspiracy upon which his suit for damages must be bottomed it is necessary to take evidence which is so difficult to obtain that it is well-nigh impossible for a private citizen to secure it. So when you deny him the evidence you practically deny him his remedy, and it is for that reason——

Mr. OVERMAN. Will the Senator contend that there is anything in this bill that deprives any citizen of the United States of any right he has now?

Mr. REED. I am not talking about the deprivation of rights that now exist. We are sitting here in Congress supposed to be passing a remedial statute. We are supposed to be doing something now in response to the demands of a certain document I am about to read. We are supposed to be here for the purpose of affording the citizens of this country rights that they do not now possess. But when we consider what has been done by the conferees to this section we find that they have cut out its vitals.

Mr. OVERMAN. I want to say to the Senator it is true, and he knows it is true, that we have not deprived a citizen of a solitary shade or shadow of a single right he has now in the courts.

Mr. REED. You have not done it because you could not do it, but I am going to show in a minute that you have tried to do it.

Mr. OVERMAN. The Senator can not show it.

EVEN THE RECORD SHOWING A PLEA OF GUILTY CAN NOT BE SHOWN IN EVIDENCE.

Mr. REED. I will stop and show it now. When a criminal stands in a court of justice and pleads guilty, that plea of guilty can be introduced in evidence against him in any case where his guilt is in question—not the judgment, perhaps, but the fact that he pleaded guilty can be shown. Let me illustrate. A man murders the husband of a woman; he pleads guilty to murder. There is a statute in the State giving the widow the right to recover damages in case her husband has been wrongfully killed. She can put a witness on the stand and prove that the defendant stood up in court and said "I am guilty"; she can introduce the indictment and the fact. You have tried to cut that kind of evidence out.

Let me illustrate further: A man defrauds another of $10,000; he is indicted for it; he pleads guilty in court——

Mr. OVERMAN. The Senator does not contend that that applies in this case?

Mr. REED. Just a moment until I finish my sentence. The injured party thereupon sues him to recover a civil judgment for $10,000. Under the law now he can introduce the indictment and the fact that the man stood in court and pleaded guilty to the indictment.

Mr. OVERMAN. Does the Senator from Missouri contend that there is anything in this bill which applies to suits between individuals of the kind of which he is speaking?

Mr. REED. Why, certainly. This applies to that class of evidence, of course; it is limited to trust cases; there can not be any doubt about that; and you have tried to cut out the pleas of guilty in trust cases. You have got no more right to destroy the evidentiary value of a plea of guilty in a trust case than in the case of an embezzler or a murderer. The evidence in either case can be used without any statute. Here is what you said:

That this section shall not apply to consent judgments or decrees entered before any testimony has been taken.

In other words, you can not introduce the record if there has been a plea of guilty. What is a consent judgment?

Mr. OVERMAN. That is under the antitrust laws.

Mr. REED. Certainly that is under the antitrust laws. I go further and say that in a civil suit where there has been a consent judgment the decree can be introduced without any statute. You can not generally introduce the evidence that has been preserved in the bill of exceptions, but you can introduce in evidence the plea or the consent to the entry of judgment. This is a right independent of any statute. This right you have sought to take away in trust suits.

There is a reason why a consent judgment or plea of guilty should be received that does not apply to an ordinary judgment. What is it? An ordinary judgment is rendered generally upon a disputed set of facts. The questions are in controversy. The jury may make a mistake; the judge may commit an error; but, sir, when a man goes into court and consents to a decree, it is his solemn admission of record, it imports verity; there can be no mistake. When a man consents to a decree he comes in admitting the charge. There is no mistake of a jury; no error of law or of fact on the part of the court in such a case. The man sitting in judgment upon his own acts confesses his own guilt.

By this bill the conferees say that plea should not be introduced in evidence against him. Absurdity could go no further than that; tenderness for trusts could lead us to no greater extreme. There is not an attorney for the Steel Trust in the United States, big attorney or little, who would have had the temerity to have asked that the bill be thus amended. No final judgment heretofore rendered can be introduced in evidence; and for all practical purposes neither the evidence nor judgments in any case now pending can be used in other cases. Even when the parties have said, "Here we are; we are guilty; we admit it; we have been violating the law; we did it with our eyes open," we by this bill propose to say to the injured and innocent party who has a suit against the culprit, "You can not prove that fact in your suit where you are seeking to get back the money of which you were robbed by the scoundrel who has just admitted his guilt."

Oh, this is a great antitrust Congress! Compared with the Congress that put upon the statute books the Sherman Act, we appear as would a lot of wet nurses in comparison with soldiers on the field of battle, arms in hand. If we had the original Sherman Act before this Congress the "trust busters" of the present day and generation would shy like the country horse of 15 years ago did at the sight of an automobile. You would not find this Congress using this violent and offensive language of the Sherman Act:

Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is hereby declared to be illegal.

Offer that to-day, and immediately speculation would begin. "What, every contract! Think how far-reaching that is; you will catch some innocent who has sinned through inadvertence. I pray you be not so harsh." What would this Congress do if asked to enact into law this fearful language which follows that which I have just read:

Every person who shall make any such contract or engage in any such combination or conspiracy, shall be deemed guilty of a misdemeanor.

"What! Take an unsuspecting merchant"—would say the latter-day legislator—"take an innocent merchant who has formed an innocent little combination to skin the public, ravish

him from the bosom of his family, tear him from the loving arms of his wife, and haul him away to jail with the cries of his children ringing in his ears—will you do such a wicked thing as that?" Such would be the arguments we would now hear.

Well, old John Sherman and the Republicans of that day did pass that law. Their "little fingers were bigger than our loins." Theirs was the spirit of the eagle, ours that of the barnyard fowl. "Be careful, do not let it be proven in evidence that a man has plead guilty to violating the Sherman law." So say the worthy conferees. Mr. President, the gorge rises as we contemplate that provision.

Let me read you a testimonial on this subject. I am careful to tell you it is a quotation, lest I should be adjudged guilty of using extreme language. It was the prophecy of this legislation itself, a different kind of prophecy, too, than we find in the statements of the Senator from Montana [Mr. WALSH], who says this bill was not to have anything to do with trusts:

I hope that we shall agree in giving private individuals who claim to have been injured by these processes the right to found their suits for redress upon the facts and judgments proved and entered in suits by the Government where the Government has upon its own initiative sued the combinations complained of and won its suit, and that the statute of limitations shall be suffered to run against such litigants only from the date of the conclusion of the Government's action. It is not fair that the private litigant should be obliged to set up and establish again the fact which the Government has proved. He can not afford—

Where now is my friend, the distinguished Senator from North Carolina [Mr. OVERMAN], who asked what rights we were depriving these private litigants of? Let him listen as I read further:

He has not the power to make use of such processes of inquiry as the Government has command of. Thus shall individual justice be done while the processes of business are rectified and squared with the general conscience.

As I read that splendid example of English you all know from its rhythmic sound and its terseness of expression that it came from the pen of Woodrow Wilson. Now, what say the conferees? "It is right to deprive the citizen of this evidence in all cases that have been tried. It is right to deprive the citizen of the evidence in all cases that are pending, or nearly all of them. It is right to deprive the citizen, not only now but in the future, of the right to use all consent decrees."

I ask Senators, some of whom have claimed such devoted adherence to the President, how many propose to square this abortive provision with the demand made by the President.

Mr. VARDAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Mississippi?

Mr. REED. Certainly.

Mr. VARDAMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Borah	Jones	Nelson	Smith, Md.
Bristow	Kern	Page	Smoot
Chamberlain	Lane	Perkins	Swanson
Chilton	Lea, Tenn.	Pomerene	Thornton
Clapp	Lewis	Reed	Vardaman
Culberson	Martin, Va.	Robinson	Warren
Gore	Martine, N. J.	Sheppard	West
Hitchcock	Myers	Shields	Williams

The PRESIDING OFFICER. Thirty-two Senators have answered to their names. There is not a quorum present. The Secretary will call the roll of the absentees.

The Secretary called the names of the absent Senators, and Mr. BANKHEAD, Mr. POINDEXTER, Mr. RANSDELL, Mr. SHAFROTH, Mr. SMITH of South Carolina, Mr. WALSH, and Mr. WHITE responded to their names when called.

Mr. THOMPSON, Mr. STERLING, Mr. OVERMAN, Mr. BRYAN, Mr. LEE of Maryland, Mr. HUGHES, Mr. SHIVELY, Mr. SIMMONS, and Mr. OWEN entered the Chamber and answered to their names.

Mr. REED. Mr. President, what is the result of the call? Is there a quorum present?

The PRESIDING OFFICER. Forty-eight Senators have answered to the call. A quorum is not present.

Mr. CULBERSON. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on the motion of the Senator from Texas.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay Mr. STONE entered the Chamber and answered to his name.

The PRESIDING OFFICER. Forty-nine Senators have answered to the roll call. A quorum is present.

Mr. REED. Mr. President, in addition to the words of the President's message relating to this particular topic I desire to read a line or two further. Indeed, I desire to read all of that clause of his message and then ask Senators, some of whom have claimed such devoted adherence to the President, how they propose to square this abortive provision with the demand made by the President. It occupies an important part of the President's message. He said:

THE BILL VIOLATES THE PRESIDENT'S MESSAGE.

There is another matter in which imperative considerations of justice and fair play suggest thoughtful remedial action. Not only do many of the combinations effected or sought to be effected in the industrial world work an injustice upon the public in general; they also directly and seriously injure the individuals who are put out of business in one unfair way or another by the many dislodging and exterminating forces of combination.

Notice, the President was talking about trusts and monopolies already formed. Notice, he was discussing conditions now existent. He was not engaging in an expedition in the nebulous region of the future; neither was he dealing with the innocent practices of small concerns. The language of his message had to do with trusts and monopolies and with the practices by them indulged. He adds what I have already read, but I read it now that it may appear in the context.

I hope that we shall agree in giving private individuals who claim to have been injured by these processes the right to found their suits for redress upon the facts and judgments proved and entered in suits by the Government where the Government has upon its own initiative sued the combinations complained of and won its suit, and that the statute of limitations shall be suffered to run against such litigants only from the date of the conclusion of the Government's action. It is not fair that the private litigant should be obliged to set up and establish again the facts which the Government has proved. He can not afford, he has not the power, to make use of such processes of inquiry as the Government has command of. Thus shall individual justice be done while the processes of business are rectified and squared with the general conscience.

I have laid the case before you, no doubt as it lies in your own mind, as it lies in the thought of the country. What must every candid man say of the suggestions I have laid before you, of the plain obligations of which I have reminded you? That these are new things for which the country is not prepared? No; but that they are old things, now familiar, and must of course be undertaken if we are to square our laws with the thought and desire of the country. Until these things are done, conscientious business men the country over will be unsatisfied. They are in these things our mentors and colleagues. We are now about to write the additional articles of our constitution of peace, the peace that is honor and freedom and prosperity.

Thus said the President on the 20th day of January, 1914. He asked for laws applicable to the practices of trusts and combinations. He asked for relief in the name of oppressed and outraged business. He asked it in the name of the conscience of the country. Now come the conferees with soft and gloved hands, with tender and delicate words, proposing to cut off the business man of the country who has been wronged and injured from the right to use any of the decisions that have been heretofore rendered, and practically cutting him off from the benefit of the decisions in cases which are now pending.

Mr. President, there are now pending some 46 important cases. I have here a long list which I desire to have printed in the RECORD. A few of the cases in the list may have been decided since the document I am quoting from was prepared; but, whether decided or pending, they come within the purview of this exception.

The PRESIDING OFFICER (Mr. LEA of Tennessee in the chair). Without objection, the request of the Senator from Missouri is granted.

The matter referred to is as follows:

CASES PENDING UNDER THE SHERMAN ANTITRUST ACT.

United States v. Motion Pictures Patents Co.
United States v. Prince Line (Ltd.).
United States v. Keystone Watch Case Co.
United States v. United Shoe Machinery Co.
United States v. American Sugar Refining Co.
United States v. United States Steel Corporation.
United States v. Booth Fisheries Co.
United States v. Eastman Kodak Co.
Plumbing Supplies Case.
United States v. American Wringer Co.
United States v. Kellogg Toasted Corn Flake Co.
United States v. Quaker Oats Co.
United States v. American Can Co.
United States v. Metropolitan Tobacco Co.
United States v. Southern Pacific Railroad Co.
United States v. Reading Co.
United States v. National Wholesale Jewelers' Association et al.
United States v. Terminal Railroad Association of St. Louis et al.
United States v. Corn Products Refining Co. et al.
United States v. McCaskey Register Co. et al.
United States v. Cleveland Stone Co. et al.
United States v. Charles S. Mellen, Edson J. Chamberlin, and Alfred W. Smithers.
United States v. American-Asiatic Steamship Co. et al.
United States v. The North Pacific Wharves & Trading Co. et al.
United States v. United Shoe Machinery Co. (An equity case.)

United States v. National Cash Register Co. et al.
United States v. Colorado and Wyoming Lumber Dealers' Association and the Lumber Secretaries' Bureau of Information.
United States v. S. W. Winslow et al.
United States v. Edward E. Hartwick et al.
United States v. William C. Geer, president Albia Box & Paper Co.
United States v. American Naval Stores Co.
United States v. Hamburg-Amerikanische Packetfahrt Actien Gesellschaft et al.
United States v. Isaac Whiting et al. (Two cases.)
United States v. John H. Patterson et al.
United States v. Associated Billposters and Distributors of the United States and Canada et al.
United States v. The Delaware, Lackawanna & Western Railroad Co. and the Delaware, Lackawanna & Western Coal Co.
United States v. White et al.
United States v. John P. White et al.
United States v. Board of Trade of the City of Chicago et al.
United States v. The Master Horseshoers' National Protective Association of America et al.
United States v. New York, New Haven & Hartford Railroad Co.

Mr. REED. Why, Mr. President, I can imagine the organizers of the Tobacco Trust, the organizers of the Sugar Trust, the organizers of the Standard Oil Co., the men who looted the New Haven Railroad—I can imagine these and a host of others not like three but like scores of witches around the caldron, which contains this so-called antitrust medicine, singing as sang the witches of Macbeth—the lines being brought down to date:

Let the caldron boil and bubble,
This bill won't give any trouble.

Mr. President, somebody has stated that these concerns might have pleaded guilty without knowing that the decree could afterward be used against them. What a harsh thing it would be, now, to use the decree! What an outrage is involved in the thought of using a decree rendered in a case which was resisted to the end! Again, what injury or wrong is done by using in future litigation the confession of guilt that a guilty man has made?

Mr. President, I pass from this particular section, which is section 6 of the House bill, section 4 of the Senate bill, and section 5 of the conferee's report.

COMMITTEE VIOLATES INSTRUCTIONS OF BOTH HOUSES OF CONGRESS.

I now desire to call the attention of the Senate to certain other emasculations this bill has suffered, especially to the action of the conferees with reference to section 3 of the conferees' report. I challenge any man to justify the action of the conferees upon this section. I affirm that the conferees have undertaken to repudiate the instructions given by both Houses of Congress; that they have assumed the right to make this section of the bill themselves to suit themselves. I declare that if this practice can be here justified we might as well abolish debates upon the floor and votes in the Chambers and simply appoint a conference committee to go out and make a bill to suit itself.

If I understand anything of the business of conferees, it is this: It is the duty of the Senate conferees to contend for that which the Senate has done; it is the duty of the House conferees to contend for that which the House has done; and when they find contention means disagreement, then one or the other of them will yield to the other or they will compromise the differences, each side yielding in part. But that they have the authority to strike out the instructions of both Houses, to repudiate the action in each case of their principals, to write something that suits them and that is in the teeth of the instructions of both Houses, I utterly deny.

The section to which I refer, as it came from the House, read as follows:

That any person engaged in commerce who shall lease or make a sale of goods, wares, merchandise, machinery, supplies, or other commodities for use, consumption, or resale within the United States or any Territory thereof or the District of Columbia or any insular possession or other place under the jurisdiction of the United States, or fix a price charged therefor, or discount from, or rebate upon such price, on the condition, agreement, or understanding that the lessee or purchaser thereof shall not use or deal in the goods, wares, merchandise, machinery, supplies, or other commodities of a competitor or competitors of the lessor or seller, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both, in the discretion of the court.

Now, notice that was a broad section. It prohibited all classes of tying contracts. It was not limited to patented articles or to tying contracts relating to patented articles, but it embraced and covered the patented article along with every other kind of article.

The section was stricken out by the Senate Judiciary Committee. I brought the question to the attention of the Senate by a motion to restore the section. The vote on that motion showed a majority of one against restoring the section as it came from the House. I renewed the motion later, and again it was defeated; but the principal reason the House provision was not restored is to be found in the fact that it was well known upon the floor that the Senator from Montana [Mr. WALSH] intended to offer a substitute. That substitute was afterwards offered by the Senator from Montana and read as follows:

That it shall not be lawful to insert or incorporate a condition in any contract relating to the sale or lease of or license to use any article or process protected by a patent or patents the effect of which will be to prohibit or restrict the purchaser, lessee, or licensee from using any article or class of articles, whether patented or not, or any patented process, supplied or owned by any person other than the seller, lessor, or licensor, or his nominees, or the effect of which will be to require the purchaser, lessee, or licensee to acquire from the seller, lessor, or licensor, or his nominees any article or class of articles not protected by the patent; and any such conditions shall be null and void, as being in restraint of trade and contrary to public policy.

Mr. President, the distinction between the substitute offered by the Senator from Montana and section 4 as passed by the House was this: Section 4 as passed by the House covered all articles, patented and unpatented——

Mr. OVERMAN. No, Mr. President.

Mr. REED. And all classes of tying contracts attached to those articles.

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from North Carolina?

Mr. REED. I do.

Mr. OVERMAN. No, Mr. President; the Senator is mistaken. The Senate committee put in the words "patented or unpatented."

Mr. REED. Very well.

Mr. OVERMAN. I think that was upon the Senator's own motion.

Mr. REED. Yes; that is true. The words were put in as a matter of precaution. Nevertheless, the general language of the bill as it came from the House would, in my opinion, have covered patented articles, certainly that is true, except for a case which had been overlooked, undoubtedly, in the House, and which was not considered until the bill came to the Senate. The case I refer to is the one known as Henry against Dick, in which it was held that a patentee had the lawful right to make a tying contract. Whether or not this section as it came from the House would have covered patented articles, such was clearly its purpose and intent, because the language was—

who shall lease or make a sale of goods, wares, merchandise, machinery, supplies, or other commodities—

And so forth.

The distinction, then, between the House bill and the Senate substitute as offered by Senator WALSH was that the House bill was intended to cover all kinds of articles, whereas the substitute was intended to apply only to patented articles. The House bill in covering all classes of goods was undoubtedly intended to cover patented goods. There was this further distinction: Senator WALSH's amendment had no penal clause. Thereupon I offered to amend the section by adding these words:

Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $5,000 or by imprisonment not exceeding one year, or by both, in the discretion of the court.

That amendment was adopted by the Senate. Now, how stood the case? The House had prohibited tying contracts as applied to all classes of goods, and had provided a criminal penalty. The Senate cut down the scope of the House section, making it apply to only one of the classes of goods covered by the House section, and added the criminal penalty to that. The conferees of the House were in duty bound to stand for the criminal penalty, because the House had put it on not only with reference to patented and unpatented articles but with reference to other articles. The Senate conferees were bound to stand for it, because the Senate had specifically put it on with reference to patented articles. Then the conferees got together and took out the criminal clause as to everything. When they did so they violated their instructions from both wings of this Capitol.

Mr. OVERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from North Carolina?

Mr. REED. I do.

Mr. OVERMAN. Section 2 and section 4 were stricken from the House bill by the Senate. Those two sections then came up in conference. Our section 2, which was the Walsh amendment, as passed by the Senate, amended the House bill. Then our section 2 and the House sections 2 and 4 all went into conference. The conferees, of course, under the instructions of the Senate, could not accept as they were sections 2 and 4 of the House bill, and absolutely declined to accept section 2 of the House bill. The matter was settled by a compromise, by putting

in "patented or unpatented articles" and adopting sections 2 and 4 without the penalty.

Mr. REED. Since the Senator has gone into the reasons of the conferees, I should like to ask him if the House conferees insisted on taking out the criminal clause from their own section, which you were restoring?

Mr. OVERMAN. No; it was a common agreement of the conferees since the establishment of the Trade Commission that that ought to be left with the Trade Commission.

Mr. REED. In other words, the House conferees did not insist upon taking out the criminal penalty that the House had put in and although the Trade Commission bill had been passed before we passed this bill through the Senate, and although we had added a criminal penalty here, you consented to have it stricken out.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. REED. I do.

Mr. BORAH. I understood the Senator from North Carolina to say that the reason for taking out the provision with reference to punishment was because it was thought unnecessary in view of the Trade Commission act.

Mr. OVERMAN. We concluded that it ought to be looked after by the Trade Commission; that that would prevent these discriminations.

Mr. BORAH. The first fruit, then, of the Trade Commission act is to eliminate the criminal liability from this trust act?

Mr. OVERMAN. No; the Trade Commission having defined it, making it unlawful, it was recognized that there was the jurisdiction under the Trade Commission to stop it whenever they saw it exercised.

Mr. BORAH. It does give jurisdiction to stop it, but nevertheless the first results substantially of the Trade Commission act is to emasculate the antitrust law so far as criminal statutes are concerned.

Mr. OVERMAN. It does not emasculate the Sherman antitrust law.

Mr. BORAH. I do not say the Sherman antitrust law; I said this trust law.

Mr. OVERMAN. As to these corrupt practices.

Mr. REED. Mr. President, it can not be that the House conferees came over here to take out the criminal penalties from their own sections. If they did they assumed to repudiate the action of the 435 Representatives who compose the House of Representatives. On the other hand, in what kind of a position are the Senate conferees placed? The Trade Commission bill had been enacted before I offered my amendment to add a criminal penalty to the Walsh substitute.

Mr. OVERMAN. Right there——

Mr. REED. And the Senate acted with full knowledge of the Trade Commission act and by a vote added the penalty.

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from North Carolina?

Mr. REED. I do.

Mr. OVERMAN. I do not want to be misunderstood. The House conferees did not agree at once, but this was a matter of compromise. They preferred the House provision. The Senate had ordered us to strike out sections 2 and 4. The House conferees insisted upon their disagreement and they would not agree to our action, and the whole thing was a matter of compromise.

Mr. REED. I understand it was a matter of compromise. It was also a process of vivisection. The conferees operated upon the bill, and when you got through it was so thoroughly cut up that it does not make a respectable looking legislative corpse.

I can see how the House conferees could have come forward and said, "We want our section." I can see how the Senate conferees would have finally said, "We will yield to the House and give the House its sections." But how could the Senate conferees insist that if the body of the House section was restored the criminal clause should be stricken out in view of the fact that the Senate had expressly voted for the criminal clause? That, Mr. President, was not a compromise. That was going further than the House demanded.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Montana?

Mr. REED. I do.

Mr. WALSH. I should like to inquire of the Senator from Missouri whether he feels that any importance at all is to be attached to the fact that after the House had passed the Clayton bill with the provisions of which the Senator now speaks it thereafter approved and adopted the Trade Commission bill with section 5 in that bill incorporated in it by the Senate, which denounced as unlawful all forms of unfair competition, and provided for the enforcement of them, and whether he does not think that a fair statement of the case ought to embrace a recital of that fact?

Mr. President, it is perfectly well known that those two sections went out of the Clayton bill here because of the conviction that the conditions with which they dealt in sections 2 and 4 were already provided for and taken care of by section 5 of the Trade Commission bill. The Senator from Missouri did not agree with the Senate about that; he thought they were not. The Senate thought otherwise. That bill went over to the House, and apparently the House agreed with the Senate concerning the significance of it and passed that bill. In view of the action of the House in passing the Trade Commission bill with that provision in it, which was here declared by the Senate to cover the case intended to be provided by sections 2 and 4 of the Clayton bill, does not the Senator think, with that statement of fact, he ought to advise the Senate and the country that the House had likewise declared in that form and thereby warranted its conferees in acceding to the action of the Senate in striking those provisions from the bill?

Mr. REED. Mr. President, it is certainly not necessary to say to the Senate what I think I have already said, that the Trade Commission bill was passed by the Senate before the Clayton bill was passed by the Senate. Everybody in the Senate knows it, and everybody in the country who has followed the course of events knows it.

Mr. WALSH. I simply want to ask the Senator——

Mr. REED. Let me conclude my answer. The Senator has asked me several questions, and I want a moment to answer one or two before the Senator asks further questions.

The Senator says that the section was stricken out of the bill by the Senate committee because it was thought that the Trade Commission bill covered the practices. That is true; it was so thought by some of the members; but was the provision reported by the conferees in that shape?

The Senator asks me if I do not think that the conferees were controlled by the same motive as the Senate committee when they went into conference. I answer no, because if they had been they would have allowed the section to stay out of the bill and justified their action on the ground that the matter had been taken care of by section 5 of the Trade Commission bill. On the contrary, they said it was not taken care of by section 5 of the Trade Commission bill when they insisted that it should be again inserted in this bill. It follows they took no such position as was taken by the Senate committee. The fact is that the Senate conferees, going from the Senate Chamber with the vote of the Senate in favor of a criminal penalty ringing in their ears, went to a House committee that was insisting on restoring section 4, which contained a criminal penalty and was otherwise practically equivalent to the Senate substitute, and the conferees thus instructed cut out the penalty clause. I think it came out because the conferees of the Senate wanted it out. I can not conceive of the House of Representatives insisting upon having their section restored and then insisting that it should not be completely restored but must be mutilated.

I now yield to the Senator from Montana.

Mr. WALSH. After all, the enforcement of the House provision was to be through the Trade Commission act.

Mr. REED. Yes.

Mr. WALSH. How could they insist upon a penalty unless there was a method of enforcing it?

Mr. REED. Certainly; that question is answered by the bill itself. There are two other sections in the bill. Where there is a criminal penalty and the sections are enforcible through the Interstate Commerce Commission or the Trade Commission.

Mr. WALSH. Can the Senator refer to the particular section?

Mr. REED. Certainly. Let me call the attention of the Senator to section 10 on page 13:

SEC. 10. That after two years from the approval of this act no common carrier engaged in commerce shall have any dealings in securities, supplies, or other articles of commerce, or shall make or have any contracts for construction or maintenance of any kind, to the amount of more than $50,000, in the aggregate, in any one year, with another corporation, firm, partnership, or association when the said common carrier shall have upon its board of directors or as its president, manager, or as its purchasing or selling officer, or agent in the particular transaction—

At the end is the clause—

If any common carrier shall violate this section it shall be fined not exceeding $25,000; and every such director, agent, manager, or officer thereof who shall have knowingly voted for or directed the act constituting such violation or who shall have aided or abetted in such violation shall be deemed guilty of a misdemeanor and shall be fined not exceeding $5,000, or confined in jail not exceeding one year, or both, in the discretion of the court.

There is still another criminal penalty.

Mr. WALSH. That is all. There is a general enforcement of that through the Trade Commission.

Mr. REED. Yes.

Mr. CULBERSON. There is no provision for the enforcement of section 10 by the Interstate Commerce Commission.

Mr. REED. I say there is. That is my opinion. I merely express it.

Mr. WALSH. If the Senator will refer to section 11, he will satisfy himself fully about it. Section 11 provides that sections 2 and 3 shall be enforceable by the Trade Commission.

Mr. CULBERSON. Those are the only ones.

Mr. WALSH. Those are the only ones.

Mr. REED (reading):

SEC. 11. That authority to enforce compliance with sections 2, 3, 7, and 8 of this act by the persons respectively subject thereto is hereby vested in the Interstate Commerce Commission where applicable to common carriers, in the Federal Reserve Board where applicable to banks, banking associations, and trust companies, and in the Federal Trade Commission where applicable to all other character of commerce, to be exercised as follows:

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. REED. I do.

Mr. BORAH. Do I understand the supposition is that the Trade Commission under section 5 will only have jurisdiction of such form of unfair competition as may be turned over to its jurisdiction by some express statute? In any form of unfair competition which might arise anywhere the Trade Commission would have jurisdiction, would it not? So it would not be necessary in order that the Trade Commission might have jurisdiction of this particular section that it be specified in this statute that it shall have jurisdiction of it.

Mr. CULBERSON. This bill as reported by the conferees did not rely entirely upon the definition in section 5 of the trade commission act, but these particular acts in sections 2, 3, 7, and 8 were expressly denounced as unlawful and their enforcement was placed in the hands of the three commissions where applicable respectively.

Mr. BORAH. But if the Trade Commission as created should conceive that anything in the commercial world constituted unfair competition it could take jurisdiction of it and deal with it, could it not?

Mr. CULBERSON. I think so, under that act. But the conferees did not see fit to leave that to the discretion of the trade commission. They went further and denounced these acts respectively, each separately, under sections 2, 3, 7, and 8, and left their enforcement to the Trade Commission, in the case of banks to the Federal Reserve Board, and of common carriers to the Interstate Commerce Commission.

Mr. BORAH. Yes; I understand the position of the Senator from Texas.

Mr. CULBERSON. That is the bill.

Mr. BORAH. I understand the bill also, but suppose we had not designated and defined these particular acts to be unlawful, what we conceive to be unfair competition; suppose we had omitted them from the bill entirely, the Trade Commission as created, if then they had come within its jurisdiction, could have dealt with them. So we are simply assuming that possibly they might not take this view of it.

Mr. CULBERSON. I think the position of the Senator is the correct view, Mr. President.

Mr. REED. Mr. President, I think I can show the Senators that the commissions do have jurisdiction. Let me read section 10 a little further. I think we will find out that the Interstate Commerce Commission has something to do with it, at least.

Mr. WALSH. It is not the question that it has not something to do with it. The Senator called my attention to some provision of the bill where a certain act was denounced and penalized and at the same time a provision was made for the punishment and restriction of the act through the operation of the Federal Trade Commission. The Senator can not find anything of that kind, and I think, in candor, the Senator should say he was mistaken about it.

Mr. REED. If I am mistaken——

Mr. WALSH. Of course you are.

Mr. REED. Whenever I conclude that I am mistaken I will be quite candid. In the meantime I hardly need any lectures or any chiding or to be told what my duty is. Let me see whether I am wrong or right. I did not speak of the Trade Commission. I spoke of the commissions, and it is equally fatal to the point raised by the Senator whether this authority is vested in the trade commission or in the Interstate Commerce Commission or in the Federal Reserve Board.

Mr. WALSH. I agree with the Senator entirely, and the Senator, I think, will be unable to point out where at one and the same time an act is penalized and power is given to any commission to enforce it.

Mr. REED. Very well. Section 10:

That after two years from the approval of this act no common carrier engaged in commerce shall have any dealings in securities, supplies, or other articles of commerce, or shall make or have any contracts for construction or maintenance of any kind, to the amount of more than $50,000 in the aggregate in any one year with another corporation, firm, partnership, or association when the said common carrier shall have upon its board of directors or as its president, manager, or as its purchasing or selling officer, or agent in the particular transaction any person who is at the same time a director, manager, or purchasing or selling officer of or who has any substantial interest in such other corporation, firm, partnership, or association, unless and except such purchases shall be made from or such dealings shall be with the bidder whose bid is the most favorable to such common carrier, to be ascertained by competitive bidding under regulations to be prescribed by rule or otherwise by the Interstate Commerce Commission. No bid shall be received unless the name and address of the bidder or the names and addresses of the officers, directors, and general managers thereof, if the bidder be a corporation, or of the members, if it be a partnership or firm, be given with the bid.

Any person who shall, directly or indirectly, do or attempt to do anything to prevent anyone from bidding or shall do any act to prevent free and fair competition among the bidders or those desiring to bid shall be punished as prescribed in this section in the case of an officer or director.

Every such common carrier having any such transactions or making any such purchases shall within 30 days after making the same file with the Interstate Commerce Commission a full and detailed statement of the transaction showing the manner of the competitive bidding, who were the bidders, and the names and addresses of the directors and officers of the corporations and the members of the firm or partnership bidding; and whenever the said commission shall, after investigation or hearing, have reason to believe that the law has been violated in and about the said purchases or transactions it shall transmit all papers and documents and its own views or findings regarding the transaction to the Attorney General.

If any common carrier shall violate this section, it shall be fined not exceeding $25,000; and every such director, agent, manager, or officer thereof who shall have knowingly voted for or directed the act constituting such violation or who shall have aided or abetted in such violation shall be deemed guilty of a misdemeanor and shall be fined not exceeding $5,000, or confined in jail not exceeding one year, or both, in the discretion of the court.

Mr. NELSON. Will the Senator yield to me for a moment?

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Minnesota?

Mr. REED. I do.

Mr. NELSON. In connection with the section the Senator has just read, I desire to call his attention to one peculiarity. While sections 2, 4, and 8 are put under the commission form of government, either the Interstate Commerce Commission or the Trade Commission, and also the section giving injunctive relief to individuals, this section 11 is both immune from the commission form of government under the Trade Commission act or under that style, and is also immune from injunctive relief under section 16. In other words, the men who furnish supplies to the railroad companies are put in a class by themselves and given immunity distinct from everybody else.

Mr. REED. Mr. President, there is another section here that I am not going to stop to examine. The point is not important. The Senate can judge whether I am correct or the Senator from Montana. The point raised is a mere side issue anyway. There is no reason why there may not be a criminal penalty and the commissions also exercise jurisdiction over civil violations.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. REED. I do.

Mr. BORAH. There is one feature of this matter which is interesting to me. It seems to be conceded that punishment is inconsistent with the theory of the Trade Commission act, and that wherever the Trade Commission has jurisdiction the idea of punishment should be eliminated. I understand the theory upon which this particular clause was left out is because it came under the Trade Commission act, and that wherever the Trade Commission act operates, the theory of punishment should be eliminated.

Mr. REED. Mr. President, I want to say now, lest I forget it, that when we had section 5 of the Trade Commission bill here under discussion, and when it was alleged that we ought to write into that section a definition of what constitutes unfair competition, the argument was repeatedly made upon the floor of the Senate that that bill was to be followed by the Clayton bill, which named certain specific offenses or acts and denounced them. When it was alleged that there ought to be a penal clause put into the Trade Commission bill it was always met by the argument that these penal clauses were following in the Clayton bill. No sooner was the Trade Commission bill passed than these same gentlemen proceeded to use it to destroy the substan-

tive law which was to follow it and which we were told would be passed. Thus the country is to be deprived of antitrust legislation.

Now, Mr. President, returning after this very pleasant digression into a field that grew nothing but June grass, I call attention again to section 3 of the conference report. Not only did these gentlemen cut out the criminal provision, but they disemboweled the section. Now, mark, here came the House with a provision that denounced all tying contracts of whatsoever kind or nature as criminal, and proposed to so punish them. Here came the Senate denouncing contracts relating to patented articles and proposing to punish them. Here sit the assembled conferees with these instructions. They strike out first the criminal penalty, although both Houses had voted for a criminal penalty. The section had provided that all contracts for the sale of goods, wares, machinery, supplies, or other commodities, whether patented or unpatented, for use, consumption, or resale, which should attempt to fix a price on the goods sold upon the condition, agreement, or understanding that the purchaser should not use or deal in the goods, wares, merchandise, machinery, or supplies of another. The conferees added this language:

Where the effect of such lease, sale, or contract for sale or such condition, agreement, or understanding may be to substantially lessen competition or tend to create a monopoly in any line of commerce.

Before that amendment was put on it was enough to go into court and prove that a man had made a contract for the sale of an article, and in that contract had specified that the purchaser should not use some other article. That was all you had to prove, and the gates of the jail swung inward to receive the guilty man. But now, when you have proven the making of the contract, you have not made a case at all. You can be demurred out of court. You must go further and prove that the making of the contract may substantially lessen competition or tend to create a monopoly in that line of commerce.

Notice that the lessening of competition or the tendency to create monopoly in one section or city is not enough. The line of commerce, taken as a whole, must be substantially involved.

What individual contract could be said to so substantially affect an entire line of trade as to tend to create a monopoly? What contract would substantially lessen competition in an entire line of commerce? Apply that rule to the Standard Oil Co. Its "line of commerce" embraces the habitable earth. Its customers are all the civilized races of men. Its weekly sales mount far into the millions.

How will it ever be possible to prove that any single contract tends to substantially restrain competition or establish monopoly in a "line of business" so vast as to be incomprehensible? How are you going to prove that it may lessen competition? I affirm that you can not make a case out under that clause as easily as you can prove a restraint of trade, which is all that you have to prove in order to make a case under the Sherman Act.

Mr. NELSON. Will the Senator from Missouri yield to me a moment?

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Minnesota?

Mr. REED. I do.

Mr. NELSON. I call the Senator's attention to the fact in this connection that they have injected a new term which will lead to endless disputes—the word "substantially" in the phrase "substantially lessen competition." That is a phrase that is not included in the antitrust law. You will find running through this bill in half a dozen different places that same word "substantial" or "substantially," thus injecting a term that may lead to endless litigation as to what is substantially the lessening of competition.

Mr. REED. Mr. President, let us stop and analyze the situation now in which the representative of the Federal Government will find himself under this section. We will take the Shoe Machinery case, which is now pending. The Shoe Machinery Trust has a contract which contains a clause which in substance and effect is that whoever shall use one of the principal machines obtained from the Shoe Machinery Co. must obtain certain other machines from that company. That is what is called the "tying clause." As this section stood as written by the Senator from Montana [Mr. WALSH] the Government in the prosecution of that concern would only be obliged to come in and lay down the contract which the Shoe Machinery Co. had made with AB and prove that a machine had been delivered to AB under the terms of that contract. Thereupon the Government would have made a complete case and need go no step further; but under the present language of the bill, when the Government has done all that, it has done nothing; it must now prove, under the first clause of this amendment, that the making of that contract may be to substantially lessen competition in that line of commerce.

Let us see. Here are two concerns making the machines. They were in competition with each other before one of them made a tying contract. They are in competition with each other after the contract is made. Both of them, under this clause, have the right to make such a contract. There is the same degree of competition, exactly, after the contract is made that there was before the contract was made.

Here are 10 men engaged in selling horses. I make a contract with A by which, if I sell him one horse, he agrees to buy five other horses from me if he needs them. My rival, B, makes the same kind of contract, if he sees fit, with his customer, and so on through the 10. There are still 10 rivals in competition; there are still 10 men competing; the competition is still there; there has been no lessening of competition; but there has been a restraint of trade, because this man whom I compelled to sign a contract that he will buy in future from me and not from the other man is restrained of his natural right, his natural liberty to trade where he pleases; but the competition has not been lessened, though the opportunity of my rival has been lessened.

Mr. WALSH. Let me inquire of the Senator if that is the case, what harm does he see in it?

Mr. REED. I see great harm in the amendment to the section.

Mr. WALSH. I understand; but I refer to the case of which the Senator has spoken.

Mr. REED. I see great harm in it for this reason——

Mr. WALSH. Take the 10 men engaged in selling horses.

Mr. REED. I see tremendous harm in it. I distinguish between lessening competition and restraint of trade. You do not lessen competition until you have put your competitor into a position where he can no longer do business; but so long as he is there and can do business, you have not lessened competition, because all the men are competing who were originally competing. You may have restrained trade, you may have restrained the commercial liberty of the man who was forced to sign the contract, and you may have restrained the opportunity of the competitor to get that trade, but you need not have "substantially lessened competition in that line of commerce."

Mr. WALSH. Mr. President, if the Senator will pardon me, it was not the general matter about which he speaks that I was referring to. Here are 10 men engaged in raising horses. I am one of those 10. One of them comes to me and wants to buy a horse. I say "I will sell you this horse for $175." He says "I may want five or six horses more during the course of the winter." I say, "I will tell you what I will do; if you will agree to buy from me whatever horses you may need this winter at the same figure, I will sell you this horse for $150." What I want to know is, what is the harm in that?

Mr. REED. Mr. President, I ought not to be expected to stop and discuss the details of every little, simple illustration I use. In the case put by the Senator there would be no harm; in a little, simple transaction of that kind there would be no difficulty; but if we admit the principle, we must admit it for all cases. Accordingly, when an institution has gained, through the possession of a patented article, which is essential in some line of business or trade or manufacture, a monopoly, and thereupon, having a monopoly of that essential article proceeds to compel everybody who acquires the right to use it to buy everything else they use in their factory from the proprietor of that article, the result is monopoly, or restraint of trade. That is exactly the practice which has been followed by the Shoe Machinery Co. and by many other trusts.

Mr. WALSH. There is no doubt about that, and of course we all want to reach that case.

Mr. REED. Accordingly, if we are going to reach it, we can only reach it by a general provision.

Mr. WALSH. But the provision favored by the Senator I was afraid would stop the horse trader from making that kind of a contract.

Mr. REED. I am perfectly willing to stop him, and there is no reason why he should not be stopped; there is no reason why that kind of contract should be made. It is not essential to the public welfare; it does not make for the freedom of trade. We must, if we hope to reach these big concerns, make our laws so that occasionally some small man may have to alter his method of doing business.

But, Mr. President, I do not now want to be led aside into the discussion of details. What I am trying to impress upon the Senate and upon the conferees—and it is as hopeless a task as I ever undertook in my life to try to impress anything on the conferees—is that the term "substantially lessen competition in a line of business" can not be proven as easily as simple restraint of trade. If that be true, then the section is without

value, because, in order to make a case under it, the complainant must prove all that it is necessary to prove under the Sherman Act. Thus, I say, you have disembowled this section.

You have another phrase in the report, a catch phrase—I ought to say a catchpenny phrase—"or tend to create a monopoly in any line of commerce." Mr. President, it is the law to-day that when a combination tends to restraint of trade or monopoly, when that result may come therefrom, it is within the Sherman law. You are not obliged to prove that monopoly has been created; it is enough to show that the legitimate consequence of the act or acts complained of is monopoly or restraint of trade. So, after all this fulmination and after all this effort, we get nowhere.

To-day the Government goes in to try the Shoe Machinery Trust case—I go back to that because it has been often discussed. The first thing the Shoe Machinery Trust alleges is that, under the authority of the Dick case, they have a natural and legitimate monopoly by patent upon certain of their machines; and that, having that legitimate monopoly upon their machines, they have the right, under the decisions of the courts, to specify the terms and conditions upon which that monopoly can be used by the people. The decision in the Dick case, you will remember, stated that they could attach a little notice in the form of a license, "Only certain kinds of material purchased from us can be used on this machine." That practice is not made illegal by this bill; that is not condemned by this bill. It is only condemned by this bill when the complainant, in addition to proving the contract, can go further and show that the effect of the contract is to lessen competition, or that it tends to create a monopoly. In other words, the Government will be obliged to prove substantially all it has to prove to-day under the Sherman Act. Thus, I say, the conferees have very carefully, very artistically, with the skill of the trained surgeon and the delicate touch of experts, taken all the substance out of this provision.

Mr. NELSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Minnesota?

Mr. REED. I do.

Mr. NELSON. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Jones	Overman	Smith, Md.
Bankhead	Lane	Page	Smoot
Bryan	Lea, Tenn.	Perkins	Sterling
Chilton	Lewis	Pomerene	Swanson
Clapp	McLean	Reed	Thornton
Crawford	Martin, Va.	Robinson	Vardaman
Culberson	Martine, N. J.	Sheppard	Walsh
Fletcher	Myers	Shields	Warren
Hughes	Nelson	Shively	

Mr. LANE. I wish to announce that my colleague [Mr. CHAMBERLAIN] has been called from the Chamber on business of the Senate.

Mr. THORNTON. I desire to announce the necessary absence of my colleague [Mr. RANSDELL] on public business.

The VICE PRESIDENT. Thirty-five Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of the absentees.

The Secretary called the names of the absent Senators, and Mr. KERN, Mr. OWEN, Mr. SHAFROTH, and Mr. WHITE responded to their names when called.

The VICE PRESIDENT. Thirty-nine Senators have answered to the roll call. There is not a quorum present.

Mr. CULBERSON. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The VICE PRESIDENT. The question is on the motion of the Senator from Texas.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will execute the order of the Senate.

Mr. SMITH of South Carolina, Mr. WEST, Mr. THOMPSON, Mr. SMITH of Arizona, Mr. POINDEXTER, Mr. HITCHCOCK, Mr. GORE, and Mr. STONE entered the Chamber and answered to their names.

Mr. REED. Mr. President, I should like to know the result of the roll call.

The VICE PRESIDENT. The Chair will state that 47 Senators have responded up to this time.

Mr. COLT, Mr. WILLIAMS, and Mr. MCCUMBER entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present.

RECESS.

Mr. KERN. I move that the Senate take a recess until 11 o'clock to-morrow forenoon.

The motion was agreed to; and (at 4 o'clock and 45 minutes p. m., Monday, September 28, 1914) the Senate took a recess until to-morrow, Tuesday, September 29, 1914, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

MONDAY, *September 28, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinite and eternal Spirit, never very far from any of us, we would draw near to Thee, that our faith may be increased, our hearts purified, our lives ennobled; that we may be able to cast out the demons which doth so easily possess us, jealousy, anger, malice, hatred, revenge, avarice, licentiousness, and the rest of that ill-begotten family; that the better angels of our nature may be in the ascendancy, working the works of righteousness; that we may become altogether God-like, which is the real business of life, after the similitude of the Master. Amen.

The Journal of the proceedings of Saturday, September 26, 1914, was read and approved.

EXTENSION OF REMARKS.

Mr. DOOLITTLE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by giving the authentic status of the National American Woman's Suffrage Association in the congressional election.

The SPEAKER. The gentleman from Kansas [Mr. DOOLITTLE] asks unanimous consent to extend his remarks in the RECORD to show the real position of the Woman's Suffrage Association with reference to congressional elections. Is there objection?

Mr. MANN. Which association?

Mr. DOOLITTLE. The National American Woman's Suffrage Association.

Mr. MANN. Does the gentleman also show the position of the other association?

Mr. DOOLITTLE. They have no connection with the other association.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. ADAIR. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on matters of legislation.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

Mr. MADDEN. Mr. Speaker, I wish to ask unanimous consent to extend my remarks in the RECORD on the subject of the Clayton bill.

The SPEAKER. Is there objection to the request of the gentleman from Indiana [Mr. ADAIR]? [After a pause.] The Chair hears none. Is there objection to the request of the gentleman from Illinois [Mr. MADDEN]? [After a pause.] The Chair hears none.

Mr. HUMPHREY of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the general subject of legislation.

The SPEAKER. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD on the subject of legislation. Is there objection? [After a pause.] The Chair hears none.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the state of the Union. [Laughter.]

The SPEAKER. The gentleman from New York [Mr. PAYNE] asks unanimous consent to extend his remarks in the RECORD on the subject of the state of the Union. Is there objection?

Mr. FITZGERALD. Is that the best information the gentleman can give as to what he is likely to effuse about?

Mr. PAYNE. I think that covers the scope. [Laughter.]

The SPEAKER. Is there objection?

Mr. FITZGERALD. Oh, well, let the gentleman from New York have it.

The SPEAKER. The Chair hears no objection.

ORDER OF BUSINESS.

Mr. JOHNSON of Kentucky. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JOHNSON of Kentucky. I would ask the Chair as to whether or not, under the rule in reference to the Philippine bill which was adopted Saturday, this is District day?

The SPEAKER. The Chair has examined that rule very carefully and thinks it cuts out District day.

Mr. JOHNSON of Kentucky. Mr. Speaker, I ask unanimous consent that to-day be devoted to District business.

Mr. CALLAWAY. Mr. Speaker, I object.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that to-day be devoted to District business and the gentleman from Texas [Mr. CALLAWAY] objects.

Mr. JOHNSON of Kentucky. Mr. Speaker, has the Chair the right to recognize me to move to suspend the rules to-day?

The SPEAKER. Has the Chair the right to do what?

Mr. JOHNSON of Kentucky. To recognize me to move to suspend the rules upon this question?

The SPEAKER. No; this is not the day given to suspension of the rules. Next Monday will be the day, unless the Chair has the almanac wrong.

Mr. JOHNSON of Kentucky. Mr. Speaker, I ask unanimous consent that next Monday be set aside for District business instead of to-day.

Mr. UNDERWOOD. Mr. Speaker, I suggest to the gentleman from Kentucky that next Monday is unanimous-consent day, in which every Member of the House is interested.

Mr. JOHNSON of Kentucky. What day would the gentleman suggest?

Mr. UNDERWOOD. I would rather it would be some other day than unanimous-consent day.

Mr. JOHNSON of Kentucky. Mr. Speaker, I ask unanimous consent that next Saturday be set aside for District business in lieu of to-day.

The SPEAKER. The gentleman from Kentucky [Mr. JOHNSON] asks unanimous consent that next Saturday be set apart for the consideration of District business.

Mr. CALLAWAY. Mr. Speaker, I object at this time. If we get through with this Philippine bill, I will not object.

The SPEAKER. The gentleman from Texas objects.

Mr. JOHNSON of Kentucky. Mr. Speaker, I ask unanimous consent that to-morrow week be set aside for District business.

The SPEAKER. The gentleman from Kentucky [Mr. JOHNSON] asks unanimous consent that to-morrow week be set aside for District business. Is there objection to that?

Mr. CALLAWAY. Mr. Speaker, I object unless it is put on the contingent ground that we get through with this Philippine bill.

Mr. JOHNSON of Kentucky. Then, Mr. Speaker, I ask unanimous consent that the first day except Wednesday or unanimous-consent day be set aside for District business after the Philippine bill is disposed of.

The SPEAKER. The gentleman from Kentucky [Mr. JOHNSON] asks unanimous consent that the first day after the Philippine business is concluded shall be set aside for District business except Wednesday and unanimous-consent day. Is there objection?

Mr. GARNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARNER. If that consent is given, will that put it on the status of to-day, so that conference reports and other privileged matters, if desired, can be considered?

The SPEAKER. Yes; it is simply that day, whatever it is, for to-day. Is there objection to that?

Mr. MANN. Mr. Speaker, reserving the right to object, after the Philippine bill is disposed of, I take it there will likely be the conference report on the Clayton bill, and that some time between now and later at least action upon the rivers and harbors bill.

If the gentleman should have his request granted, and the entire day set aside should be used for either one of those purposes, it would not accomplish the gentleman anything.

Mr. JOHNSON of Kentucky. That seems to be the best I can get.

Mr. MANN. I am quite in sympathy with the gentleman about getting a District day. May I ask the gentleman from Alabama [Mr. UNDERWOOD] if we can get any indication from him as to what we are likely to do in the House after we have disposed of the Philippines bill, the conference report on the antitrust bill, and the river and harbor bill?

Mr. UNDERWOOD. I will say to the gentleman that the question of whether the shipping bill will come up or not before next month is yet undecided, but if we can reach an adjournment when those bills are disposed of—that is, if the business in the Senate is such that we can not reach an adjournment if they are disposed of—I will be very glad to enter into a pact to let the Members go home until election, or until the revenue bill comes back from the Senate. But I am not prepared to answer the gentleman fully this morning, because the decision about whether the shipping bill will be taken up or not has not been finally reached.

Mr. MANN. Does the gentleman from Alabama, in view of the list of public business and the length of the session, think it is desirable now to postpone action on the conference report on the trust bill or the rivers and harbors bill in order that the District may have a day?

Mr. UNDERWOOD. Well, as I understood the gentleman's request, it was merely to make another day District day, as to-day is. When we reach that day, if the House desires to take up a conference report or privileged matter, it does not have to take up the District business, and can decide then. If it was making a District day that would exclude everything else, I would not be in favor of the order being made at this time, but as I understand it, if the order is made now it merely gives the gentleman the same right that he would have to-day, and, of course, if a majority of the House, when that day is reached, desires to clear up matters, they can raise the question of consideration and take up the other matters.

Mr. MANN. Of course, the request made by the gentleman from Kentucky [Mr. JOHNSON] was that the first day following, and so forth, should be set apart for the consideration of District business. And while the Speaker did not state the request that way——

Mr. UNDERWOOD. I understood the Speaker to state that the request was to substitute another day for to-day, which, I understand, would give the gentleman from Kentucky and the District business no more rights or no less rights than they would have to-day, and with that status I have no objection. Of course, I would not wish to see an order made now that might put District business ahead of a conference report or business that we would have to transact in order to get away. But as it leaves it open to the House to determine whether they will set aside District business when it is reached or not, I see no objection to the order being made at this time. And I understand that is the status the gentleman desires to obtain.

Mr. JOHNSON of Kentucky. I think that is correct.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I would like to have the request submitted so that we would know what it is.

The SPEAKER. The request is that the first day after the conclusion of the Philippine bill that is not a Calendar Wednesday or a unanimous-consent day shall take the place of to-day for the consideration of District business.

Mr. MANN. District business has no rights to-day. They have been cut out.

The SPEAKER. Well, I know; but I am talking about the general right. It means simply this—that the first day after the conclusion of the Philippine bill, if it is not Wednesday or a unanimous-consent day, shall be substituted for to-day with all the rights and appurtenances thereunto belonging and no more. [Laughter.]

Mr. JOHNSON of Kentucky. That hardly states it correctly, for the reason that if the next day after the conclusion of the Philippine bill should be either Wednesday or unanimous-consent day, then the District Committee would be excluded.

The SPEAKER. Oh, no; the first day that happens after this bill is finished that does not fall within one of those two categories you are to have. Is there objection? [After a pause.] The Chair hears none.

REMAINS OF EARL A. BANCROFT.

Mr. JOHNSON of Kentucky. Mr. Speaker, I have insisted that we have a day for the District, but that has been denied. I would not ask to bring up anything about which there would be any sort of discussion, but there is a bill on the calendar which came out of the District Committee and in which the gentleman from Minnesota [Mr. ANDERSON] is interested. It relates simply to the removing of the remains of a young man from one cemetery here to another cemetery. I do not think it would take any debate whatever, and I ask unanimous consent to take it up and pass it.

The SPEAKER. The gentleman from Kentucky asks unanimous consent for the present consideration of a bill which the Clerk will report.

The Clerk read as follows:

An act (S. 5798) authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Earl A. Bancroft from Glenwood Cemetery, District of Columbia, to Mantorville, Minn.

Be it enacted, etc., That the health officer of the District of Columbia be, and he is hereby, authorized to issue a permit for the removal of the remains of the late Earl A. Bancroft from Glenwood Cemetery, District of Columbia, to Mantorville, Minn.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. JOHNSON of Kentucky. Mr. Speaker, I ask unanimous consent that all debate upon the bill immediately close.

There was no objection.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

PARKS IN RECLAMATION PROJECTS.

Mr. FERRIS. Mr. Speaker, a parliamentary inquiry. Does the adoption of the rule under which we are operating take away the privilege of considering conference reports?

The SPEAKER. It seems to the Chair that it sweeps the platter clean.

Mr. FERRIS. I have a conference report here that will not take a moment's time. I ask unanimous consent to take up for consideration at this time the conference report on the bill S. 657, and pending that I wish to say that this bill passed by unanimous consent, with four amendments, and the Senate has receded from all of them.

The SPEAKER. The Clerk will report the conference report by title.

The Clerk read as follows:

Conference report on the bill (S. 657) to authorize the reservation of public lands for country parks and community centers within reclamation projects in the State of Montana, and for other purposes.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, this conference report has not previously been submitted, has it?

Mr. FERRIS. It has been. It has been lying on the Speaker's table two or three weeks. I have neglected it because I had other matters to attend to.

I will say to the gentleman that this is a Senate bill, and the House put four amendments on it, and it passed by unanimous consent in the House. The Senate disagreed to those amendments at first and asked for a conference, and then receded. If the House passes this conference report now it will do precisely what we did heretofore by unanimous consent in passing the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the conference report.

The conference report was read as follows:

CONFERENCE REPORT (NO. 1121).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 657) to authorize the reservation of public lands for country parks and community centers within reclamation projects in the State of Montana, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 3, 4, and the amendment of the title of the bill, and agree to the same.

SCOTT FERRIS,
EDWARD T. TAYLOR,
BURTON L. FRENCH,
Managers on the part of the House.

H. L. MYERS,
KEY PITTMAN,
REED SMOOT,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

The managers on the part of the House on the disagreeing vote of the two Houses on certain amendments to the Senate bill (S. 657) to authorize the reservation of public lands for country parks and community centers within reclamation projects in the State of Montana, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted with the accompanying conference report as to each of the House amendments, namely:

On amendment No. 1: The Senate recedes and concurs in the House amendment, as it was deemed advisable to make this a general act applicable to all of the States in which reclamation projects are situated, rather than having it confined to the State of Montana alone.

On amendment No. 2: The Senate recedes and concurs in the House amendment, as it was deemed appropriate that that language should be inserted in section 2 as an expressed condition upon which these community centers shall be set apart.

On amendment No. 3: The Senate recedes and concurs in the House amendment, as it is deemed that the language in section 4 more than appropriately covers this subject and that the provisions of section 4 are amply sufficient.

On amendment No. 4: The Senate recedes and concurs in the House amendment, as the terms of the amendment are deemed more suitable, appropriate, and practical, as well as equitable, than the language stricken out.

It is also mutually agreed that the title should be amended by striking out "in the State of Montana," so as to make the title correspond with the amendments and bill as so amended. In other words, the Senate recedes and accepts all of the House amendments, as your committee deem the bill as so amended more in harmony with the spirit of the reclamation act and the object of this bill.

SCOTT FERRIS,
EDWARD T. TAYLOR,
BURTON L. FRENCH,
Managers on the part of the House.

AMENDMENTS.

(1) Page 1, line 4, strike out "in the State of Montana."

(2) Page 2, line 3, after "That," insert "subject to the provisions hereinafter contained."

(3) Page 2, line 22, after "States," strike out all down to the period in line 24.

(4) Page 3, line 7, after "the" where it first occurs, strike out all down to the period in line 9 and insert "disposition of lands reverting to the United States under the provisions of this act, and from sales of water rights, shall be covered into the reclamation fund and placed to the credit of the project wherein the lands are situate."

Amend the title so as to read: "An act to authorize the reservation of public lands for country parks and community centers within reclamation projects, and for other purposes."

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

LEAVE OF ABSENCE.

Mr. STEDMAN, by unanimous consent, was granted leave of absence indefinitely, on account of illness in his immediate family.

THE PHILIPPINE ISLANDS.

The SPEAKER. Under the special rule the House automatically resolves itself into Committee of the Whole House on the state of the Union for the further consideration of House bill 18459, with the gentleman from Virginia [Mr. FLOOD] in the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 18459) to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands, with Mr. FLOOD of Virginia in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 18459, the Philippine bill, of which the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 18459) to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands.

Mr. JONES. Mr. Chairman, the ratifications of the treaty of peace between the Kingdom of Spain and the United States took place in this city on the 11th day of April, 1899, or more than a decade and a half ago. During the more than three years that elapsed between that date and the 1st day of July, 1902, the military, civil, and judicial powers employed in the government of the Philippine Islands were exercised as prescribed by the President of the United States, through military and civil officials appointed by him. The act of Congress known as the organic law of the Philippines was approved on the 1st day of July, 1902, since when the Philippine Islands have been

governed in accordance with the provisions of that act and certain amendments thereto subsequently adopted by Congress. It thus appears that the act of Congress of July 1, 1902, as amended in unimportant particulars, although expressly declared therein to be a temporary measure, has been the law under which the Philippine Islands have been governed for more than 12 years past.

The bill now under consideration not only provides a more autonomous government for the Philippine Islands than that which they now have, but it declares it to be the purpose of the people of the United States to grant to the inhabitants of those islands their full and complete independence so soon as a stable government has been established therein. If, therefore, this bill is enacted into law, it will contain an authoritative declaration on the part of the people of the United States as to the future political status of the people of the Philippine Islands.

It will be observed that this declaration conforms substantially, if not literally, to the declarations contained in the platform of the last Democratic national convention—the platform upon the declarations and pledges of which the Democratic Party was intrusted with the control of both the executive and legislative branches of the Federal Government, and to the performance of which that party has been solemnly committed.

It ought not to be necessary to occupy the time of the House in the presentation of arguments in favor of the adoption at this time by the Congress of the United States of a declaration setting forth definitely that it is not the purpose of the American people to permanently retain possession of the Philippine Islands, but that, on the contrary, it is their purpose to grant to their inhabitants their independence so soon as they have demonstrated their capacity to govern themselves. As is set forth in the report which accompanies this bill, "all Americans who by virtue of their official position or their intimate knowledge of the facts are entitled to consideration state that it was never the intention of the people of the United States in the beginning of the War with Spain to make that war one of conquest or territorial aggrandizement." On the contrary, all those who have been charged with the responsibility of governing the Philippine Islands since they came into possession of the United States, and whose opinions by reason of their high official positions are entitled to consideration and weight, have with one voice proclaimed that the Filipino people were ultimately to be given their independence. That it is the consensus of the best opinion of the American people that the United States should not hold the Philippine Islands in perpetuity and govern them as a colonial possession there can be no doubt, and no respectable body of American citizens, from the day that Dewey entered Manila Bay, thus foredooming Spanish sovereignty in the Philippines, up to the present moment, has ever declared in favor of the permanent retention of these islands. On the other hand, precisely the contrary has been proclaimed over and over again by the recognized leaders and spokesmen of the Republican Party. Why, then, may I ask, should any Republican oppose the adoption of the preamble to this bill for the reason that it declares it to be the purpose of the people of the United States to grant the Philippines their independence so soon as a stable government has been established therein?

It will be conceded, I think, that there is no higher Republican authority as to the attitude of his party toward the Philippines than former President Taft. In 1908, at the direction of President Roosevelt, and in his capacity as Secretary of War, he visited the Philippine Islands, and upon his return made a voluminous report as to conditions in those islands. In that report this distinguished Republican stated that there were many Filipinos who desired that the American people should declare a definite policy as to the Philippines, so that they might be informed as to what that policy was. He did not, he said, see how any more definite policy could be declared than was declared by President McKinley in his instructions to Secretary Root for the guidance of the Philippine Commission, which, he affirmed, was incorporated into law by the organic act of Congress.

That policy—

He said—

is declared to be the extension of self-government to the Philippine Islands by gradual steps from time to time as the people of the islands shall show themselves fit to receive the additional responsibility.

He went on to say:

It necessarily involves in its ultimate conclusion as the steps toward self-government become greater and greater the ultimate independence of the islands.

In another part of this report the then Secretary of War undertakes to define even more specifically and clearly the policy of the United States toward the Philippines, and in doing so he employs these words:

Shortly stated, the national policy is to govern the Philippine Islands for the benefit and welfare and uplift of the people of the islands, and gradually to extend to them, as they shall show themselves fit to exercise it, a greater and greater measure of self-government.

He added that the logical deduction from this proposition is—

that when the Filipino people as a whole show themselves reasonably fit to conduct a popular self-government, maintaining law and order, and offering equal protection of the laws and civil rights to rich and poor, and desire complete independence of the United States, they shall be given it.

If, then, it be true, as asserted by Mr. Taft, that President McKinley announced, and that his announcement was afterwards affirmed by Congress, that it is the policy of the United States to grant complete independence to the Philippines when the Filipinos desire it, and show themselves reasonably fit to conduct a popular self-government, maintaining law and order, and offering equal protection of the laws and civil rights to rich and poor, what possible objection can any consistent Republican have to stating the same proposition in different language in this bill? Will it be seriously maintained by anybody that there is any essential difference between promising the Filipinos their independence when they have shown themselves to be capable of maintaining law and order and of offering equal protection of the laws and civil rights to rich and poor, and promising them that independence so soon as they have establish a stable government? Any government failing to maintain law and order and not offering equal protection of law and civil rights to rich and poor alike is lacking in the most essential elements of stability. Stable government fulfills every condition set forth by Mr. Taft, and embraces more besides. A stable government is one that is securely and firmly established, and no government can be stable whose people are incapable of maintaining law and order and of affording protection to all persons alike. I can not therefore understand the attitude of the gentlemen who, subscribing to the proposition laid down by President Taft as the policy of his party, pretend to see danger and harm in that which is set forth in the preamble of this bill. If Congress has affirmed the McKinley policy as defined by Mr. Taft, surely there can be no harm at least in reaffirming that policy in terms substantially and essentially the same and equally as conservative.

To hold and govern the Philippine Islands permanently is, therefore, not only contrary to the oft-repeated declarations of such Republicans as ex-President Taft, but contrary to the free principles upon which our Government is founded, and therefore the very thought is repugnant to every liberty-loving American citizen. [Applause on the Democratic side.] It may be that there are a few Americans who, from selfish and interested motives, favor the permanent retention of the Philippines, but their number is inconsiderable and their motives quite apparent. Those, for instance, who enjoy a monopoly of trade in certain Philippine productions, such as manila hemp, may not favor the withdrawal of American sovereignty over the islands. And it may not be unnatural also that many American officeholders in the islands should view with disfavor any action on the part of the United States which will have the effect of separating them from the public service. The permanent retention of the Philippines, too, necessarily involves the maintenance of larger military and naval establishments than would otherwise be necessary, and that means, of course, quicker promotions in the Army and Navy, so that it is to be expected that some opposition to granting the Philippines their independence may be anticipated in those quarters; but, as I have said, it can not be questioned but that the great body of the American people are opposed to the permanent retention of the Philippines. Nor can it be truthfully denied that their retention by the United States is a source of military weakness and a constant menace to our peace. To embark upon the turbulent waters of imperialism will mean that some day, not far distant, we shall be plunged into the dangerous maelstrom of oriental politics. So that from the standpoint of our own best interests, as well as from the higher considerations of justice and right, it would seem that the time is ripe for a declaration on the part of the people of the United States as to their intentions and purposes in respect to the future political status of the Philippines.

I shall not stop now to discuss the financial and economic aspects of the Philippine question as they appear to me to affect the people of the United States, for, serious as they must be admitted to be, they are not, in my judgment, the most important ones. It may not be amiss, however, to state at the outset of this discussion, for the benefit of those who have not informed themselves upon the subject, that the statements so often made to the effect that the Philippine Islands are self-

sustaining are wholly misleading if it be meant thereby to convey the idea that the retention of the Philippines is imposing no financial burdens upon the United States. For, on the contrary, whilst it is quite true that up to the present time the cost of civil government of the Philippines has been paid out of the revenues of the islands and been borne by the Philippine people, it is also equally true that the annual cost to the United States of our military occupancy of the islands is many millions of dollars. Just how many millions it is not possible definitely to state.

President Taft, in response to a resolution calling for information upon this subject, informed the House that this cost problem was "insoluble." It has been carefully estimated, however, to be as much as $40,000,000 annually, and I believe that an examination of all the items that go to make up this vast sum will demonstrate that it is not far out of the way. The expenditure of this money out of the Treasury of the United States by reason of our occupation of the Philippines is unquestionably, therefore, a matter of much importance to the American people; and yet to my mind the political relations to be established between the people of the United States and those of the Philippine Islands ought not to be determined upon the basis of mere dollars and cents.

If, therefore, Mr. Chairman, it were true that the Philippine Islands were not a real financial burden to the American people, I should still be unalterably averse to their retention for a moment longer than the time when they may be permitted to establish for themselves a stable government of their own and thus be offered the opportunity to demonstrate to the world, as I am firmly pursuaded they are prepared to do, their capacity for self-government.

It has long been conceded that no substantial commercial or business advantages are to be gained by the permanent retention of the Philippines. The total value of the imports from and the exports to the United States for the first six months of the present calendar year, under conditions of free trade, was less than $27,500,000. But, Mr. Chairman, were the Philippines as rich as proverbially are the Indies, and the possibilities for lucrative trade with them a thousandfold greater than they have ever been pictured, such sordid and unworthy considerations could not, and would not, justify the people of the greatest and the freest Republic on earth in denying to them that independent existence, freedom, and liberty for which their own forefathers staked their lives and their fortunes. [Applause on the Democratic side.] The assertion of the right of all men to govern themselves was no vainglorious and meaningless declaration. Having been sealed with the blood of American patriots, it may never be repudiated without national dishonor. [Applause on the Democratic side.]

There are many reasons why Congress should not defer longer to declare that it is not the purpose of the people of the United States to hold the Filipinos in perpetual bondage, and they are justly entitled to such an authoritative assurance as this. The business interests in the islands have already suffered as a result of the failure of the United States to define what are to be the future political relations between this country and those islands, and they are demanding that the doubt and uncertainty which enshroud this question of transcendent importance to them shall be speedily removed.

The Filipinos as with one voice are appealing to the Congress that at the very least they be given some definite and positive assurance that it is not our purpose to hold them in possession and govern them against their will for an indefinite and remote period. Whilst they would much prefer the fixing of a definite date in the near future for the granting of their independence, I am justified in saying that they accept in good faith the assurances contained in this bill in the full confidence of their ability to measure up to the capacity for self-government standard which it imposes upon them. Conscious of their ability to establish and maintain a stable government, they eagerly welcome the opportunity to demonstrate that fact to the world.

Speaking for the majority membership of the Committee on Insular Affairs, I may say that we have no misgivings upon this subject, and, therefore, not being willing to deny to the Filipinos that inherent right to govern themselves which pertains to the people of every country on earth, we propose in this bill to afford them the means through the exercise of which they may make manifest to the world their capacity to do so.

Surely a people who have made such wonderful progress in recent years, particularly in the spread of education, in the general diffusion of knowledge, in the acquisition of the English language as a common medium of communication, and in the art of government itself, can not be lacking in the elements which make for stable and independent government.

But wonderful as this progress has been in the past few years, let no one suppose that the Filipinos were the ignorant, illiterate, and uncivilized people prior to the establishment of American rule in the islands that they have sometimes been described to have been. Philippine deputies sat in the Spanish Cortes at Madrid more than a hundred years ago, and at one time there were as many as 17 Filipinos in the Spanish Parliament. Before Harvard existed the University of St. Joseph had been established at Manila, where the Filipino youth were educated in the higher branches of learning, in medicine and in law, in literature and in philosophy, in science and in art. And government-supported schools flourished all over the archipelago years before there was a public school in many of the States of our own Union. Let us not forget, too, that the Philippine people are the only Christians in all the Orient; for, whilst it is true that the uncivilized Moros are Mohammedans and that there are pagans in a number of the outlying and uncivilized mountain Provinces, they constitute but a small percentage of the total population of the archipelago. Ten years ago, according to so high an authority as the late James A. Le Roy, whose admirable work on the Philippines was published in 1905, approximately one-half the Christian population over 10 years of age was literate. Three years ago more than one-half of the Christian inhabitants, constituting, as they do, more than nine-tenths of the total population of the Philippines, had learned to speak the English language, and to-day the proportion of those who speak English is much larger, since for several years past there has been an annual attendance upon the public schools of more than 600,000 children taught in English by 9,000 teachers, at least 92 per cent of whom are Filipinos. But I can not dwell longer upon this phase of the subject. If additional arguments are needed to establish the fact that the Filipinos possess the educational qualifications for self-government, they are to be found in the report which accompanies this bill.

Since 1907 the Philippine Legislature has consisted of two bodies, an appointive commission and an elective assembly. This generation of Filipinos has therefore had some experience in legislative work, and having watched with sympathetic interest the course of those who have constituted the membership of the assembly, it is my deliberate opinion that they have fulfilled the highest hopes of their well wishers and grievously disappointed those of their critics in and out of the Philippines, with whom the wish has been father to the thought, who have prophesied that their acts would demonstrate their incapacity to wisely legislate for themselves.

The testimony of all competent and impartial observers is to the effect that in the main the popular branch of the legislature has been composed of earnest, industrious, capable, and patriotic members, and that the intelligence and wisdom displayed by them in the initiation of beneficial legislation has made manifest the capacity of the Filipinos for the performance of those legislative functions which pertain to representative government.

But, Mr. Chairman, however widely the majority and the minority members of the Committee on Insular Affairs may differ as to the capacity of the Filipinos, and despite all that may be urged by the staunchest imperialist against the wisdom of Congress declaring it to be the policy of the people of the United States to grant the Philippines their independence so soon as a stable government has been established therein, there surely should be no disagreement anywhere as to the unwisdom of longer continuing the anomalous, incongruous, and utterly inharmonious bicameral legislative system now in vogue in the Philippines.

The one strikingly damaging fact that for the three successive legislatures prior to the last there occurred deadlocks between the commission appointed by and responsible only to the President of the United States and an assembly elected by and responsible to their Filipino constituents which resulted in the failure of the passage of three annual appropriation bills upon which the very life of the Philippine Government depended, is sufficient to forever condemn the present legislative system.

It may not be amiss if I pause here just long enough to give such Members of this House as may possibly be without knowledge upon the subject some information as to the character and functions of this Philippine Commission. It is composed of nine members, one of whom is the Governor General, and until recently a majority of its members, at least, had been Americans. Since the heads of the four executive departments of the government are members of this commission, it exercises all of the executive authority of the Philippine government, as well as participates in its legislative functions. Whilst it has an equal voice with the assembly in all legislation affecting the organized

Provinces, it is endowed with the exclusive right to legislate for those that are inhabited by Moros and other non-Christian tribes. The taxes, in the main, are paid, of course, by the civilized and Christianized inhabitants of the organized Provinces, and yet the commission has hitherto exercised the right to appropriate such sums out of the public revenues as it saw fit, and without the approval or consent of the assembly, for the exclusive benefit of the Moros and other non-Christians. Thus it is in the power of the commission to expend every dollar of the public revenues for public works and other purposes in non-Christian territory from whence no appreciable portion, if any, of it is derived. It is the use and the abuse of such authority as this which rendered every American-controlled commission obnoxious to the Philippine people, and which has created the well-nigh universal demand for its substitution by an elective senate, with powers coordinate with those of the assembly, thus assuring that harmonious action so essential to just and orderly government. The expenditure of millions of the public revenues in the construction and upkeep of the Benguet automobile road in non-Christian territory, which naturally aroused the indignation of the Filipino people, is a striking illustration of the necessity for the abolition of the Philippine Commission. This short road, some 22 miles in length, has already cost the Filipinos more than $100,000 a mile.

Mr. Chairman, this bill therefore not only contains for the Filipinos a definite promise of political independence, but it provides for them practical and substantial legislative independence. It does not, as I have said, fix a definite and precise date at which this solemn promise shall become effective, but it provides for them a far more liberal form of government than that under which they now live and gives to them such enlarged participation in the affairs of that government "as will enable them, by demonstrating their capacity for self-government, to hasten the date for final separation between the United States and the Philippines."

I now desire, Mr. Chairman, to direct attention as briefly as I may to the more important changes in existing law made by this bill.

It declares who shall be deemed to be citizens of the Philippine Islands and confers upon the Philippine Legislature authority to provide for the acquisition of citizenship by certain other persons, among them citizens of the United States residing in the islands. Strange to say that whilst citizens of all European countries residing in the Philippines may now be granted Philippine citizenship those of the United States are debarred.

It reenacts the bill of rights set forth in the organic act containing substantially the personal and property guaranties of the Constitution of the United States.

It provides that all expenses incurred by the Philippine Government shall be paid by that government; that all the powers now conferred upon the Philippine Legislature and the Philippine Commission may be exercised by the Philippine Legislature authorized in this bill; that the laws now in force in the Philippines shall so continue until changed or repealed by the legislature created in this bill or by act of Congress; and that such legislature shall have power to amend or repeal any law now in force when not inconsistent with the provisions of this bill.

It transfers the whole of the public domain acquired from Spain by the United States, except such portions as the President may designate for military and other reservations of the United States, together with the undisposed-of portions of what are known as the friar lands, to the Government of the Philippines, to be administered for the benefit of the inhabitants thereof.

In addition to the usual powers exercised by legislative bodies, the legislature created by this bill is empowered to enact tariff, currency, and coinage laws, but all of its enactments relating to those subjects, as well as to public lands, timber, and mining, must receive the approval of the President of the United States before they become effective, and it is also expressly provided that the trade relations between the Philippines and the United States shall be governed exclusively by laws of the Congress of the United States.

A Philippine Legislature, as has already been stated, consisting of two houses, to be known as the senate and house of representatives, is established, in which is vested all legislative authority. The islands are to be laid off into 12 senate and 90 representative districts, 1 of these senate and 9 of the representative districts to be established in territory not now represented in the legislature, or what is known as the Moro and non-Christian Provinces. The 2 senators and 9 representatives who shall represent these districts are to be appointed by the Governor General without the consent of the Philippine Senate and without restriction as to residence. The remaining 22 senators and 81 representatives are to be elective. This I regard as the most important feature of this bill. It gives to the civilized and Christianized inhabitants of the Philippines the right to elect, with the exception of two of its members, a senate which shall be responsive to Filipino public sentiment and at the same time it abolishes the commission, of whose remarkable functions I have already spoken.

The truth is, Mr. Chairman, that the existing legislative system is indefensible, and there are few, if any, who are even willing to attempt to justify its longer existence. The minority members of the Committee on Insular Affairs do not oppose the substitution of an elective senate for the appointive commission. Those of them who subscribe to the "views of the minority" are upon record as declaring that "many of us have no objections to an elective senate or to some of the other changes in existing law provided in the bill."

It may be objected that the appointment of two senators and nine representatives by the Governor General, as provided for in the bill, is undemocratic. Just how best to safeguard the interests of the uncivilized tribes is a problem which, it must be admitted, is difficult of solution. It has been suggested that the Provinces inhabited by non-Christians, with the exception of the Moro Province, be incorporated into the Christian Provinces, and that the Moros be excluded altogether from representation in the legislature, but the plan proposed in the bill is believed to be the more equitable as well as the more feasible. But after all has been said that can be said upon this subject, it must be conceded that the best method by which these "wards of the Nation" may be represented in the legislature is that which will best subserve and protect their interests. With the wide discretion given the Governor General in the selection of these representatives, it can not be doubted that they will be among the ablest and most efficient in the legislature.

The suffrage provisions of the existing law are so enlarged as to grant the right of suffrage to those who read and write any native language. The present law limits this class of voters to those who read and write either English or Spanish.

It is not believed that any sound reason can be given for excluding from the exercise of the elective franchise the hundreds of thousands of adult male Filipinos who can read and write a native language. To impose a similar test to that which prevails in the Philippines in any Commonwealth in America would disfranchise the bulk of those of its voters whose right to vote is dependent upon their literacy. It has had this effect in the Philippines. The Filipinos of the present generation have made astonishing progress in the acquisition of English, but there are still many educated Filipinos who have not and may never acquire that language, and to deny to them the right of suffrage would be most unjust.

The Governor General, who, together with the justices of the supreme court, is to be appointed by the President, is empowered to appoint, by and with the consent of the Philippine Senate, such officers as may now be appointed by the Governor General, as well as those he is authorized under this bill to appoint.

It has been objected that the appointments of the Governor General ought not to be subject to confirmation. It is said that in a number of the States of our Union there is no such requirement. That is true; but in those States their chief executives have the appointment of few public officials, and, generally speaking, only of those of minor importance. The more important positions are filled either by popular vote or by the State legislatures. The Governor General of the Philippines, on the other hand, will not only appoint the heads of the four executive departments of the insular government, but he will name the heads and assistant chiefs of the numerous bureaus of those departments. He will appoint every provincial prosecuting attorney and treasurer throughout the archipelago, and every judge, save only the justices of the supreme court, of every superior and inferior court. This is an enormous power to lodge in the hands of one individual, and therefore it has been thought best to follow the plan laid down in the Federal Constitution rather than those of the States, where conditions are so dissimilar.

An important provision of this bill—which I indulge the hope it may never again be necessary to resort to—is that which provides that if at the close of any fiscal year the appropriations necessary for the support of the government for the ensuing year shall not have been made the several sums appropriated in the last annual appropriation bills shall be deemed to be reappropriated. This provision has been so reworded as to prevent, it is hoped, the possibility of the recurrence of the vicious and, as I believe, absolutely illegal practice thrice resorted to in the past of applying—or, rather, misapplying—funds appropriated for specific objects to other and quite differ-

ent objects in the sole discretion of the Governor General. I have never believed that the language employed in the present statute was susceptible of the construction placed upon it. I believe that the action referred to is utterly indefensible. Under such a remarkable interpretation of this law it is within the power of the Philippine Commission to turn over to the Governor General every dollar of the public revenues of the Philippines, to be by him expended without reference to the objects specified in the last appropriation bills, and only in accordance to his individual judgment as to the needs of the public service, by simply refusing to agree to any appropriation measure. How a construction fraught with such mischievous consequences could have been placed by any one holding so responsible a position as that of Governor General of the Philippines upon an enactment the purpose and intent of which were so manifest, even were it conceded that its language was lacking in perspicuity, is difficult to comprehend. Although, as I have said, it is hoped that the necessity for making clearer this paragraph has passed, its phraseology has been changed with that end in view.

Whilst power is given the Philippine Legislature to override the veto of the Governor General by a two-thirds vote of each house, there is reposed in the President of the United States an absolute veto over all legislation, and the right to annul any and all enactments is reserved to Congress, thus removing any danger of hasty or unwise legislation and thoroughly protecting the interests of the United States. There are many other changes made in existing law by this bill, but I think I have directed attention to the more important ones. All of them can be considered when the bill is read for amendment under the five-minute rule.

Mr. Chairman, the passage of this measure at an early day is urgently demanded by reason of the economic and financial conditions existing in the Philippines—conditions which could not have been anticipated and which are not peculiar to those islands, and for which neither their government nor their people are responsible. It is not necessary to state to this House what those conditions are. They are common to both the United States and the Philippine Islands, and the Congress is even now considering measures for the relief of our Treasury. Customs duties constitute the principal source of Philippine revenue, and they have suddenly fallen off to such an extent as to create an alarming financial situation for the government. Under existing law the insular government is to a great extent helpless. It can neither change its tariff laws, increase its income tax, nor borrow money, for the limit of its public indebtedness as now fixed by Congress has already been reached. This bill, if enacted into law, will permit it to do all of these things. If, therefore, it is not promptly passed, and public bankruptcy shall befall the Philippine government, Congress must assume the responsibility therefor. The situation is a critical one, and every consideration of just and fair dealing requires that it be promptly met. Either Congress must provide the means for meeting the obligations of the Philippine government or else it must pass legislation such as is embodied in this bill. Let me repeat that the Filipinos are the wards of this Nation, and so long as they remain such the duty of providing for their welfare rests with Congress.

In urging the passage of this bill as an emergency measure I am not unmindful that it is solemnly stated in the views of the minority that even if it could pass both Houses during the present session of Congress it would be entirely useless as such. The reason assigned for this doleful prophecy is that the first election under it is to be held in June, 1915, and that the legislature then elected will not convene until the following October. The distinguished author of the views of the minority and his subscribing associates surely must have overlooked the fact that it is expressly provided in the bill that until the legislature provided for shall have been organized the existing Philippine Legislature shall have all the legislative authority granted to the government of the islands, except such as may now be within the exclusive jurisdiction of the Philippine Commission.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield there for a question?

The CHAIRMAN. Does the gentleman from Virginia yield to the gentleman from Wisconsin?

Mr. JONES. I will.

Mr. STAFFORD. Will the gentleman kindly inform the committee as to the amount of bonds that the Philippine Government has issued for public improvements? I believe that the gentleman has stated that they have reached the limit of their bonded indebtedness.

Mr. JONES. Five million dollars. That is the limit authorized by the organic act.

Mr. STAFFORD. Does the gentleman remember the supplementary act that was passed, whereby the Government of the United States was to guarantee certain bonds for internal improvements? Is that in addition to the original authorization?

Mr. JONES. Under an act of Congress the insular government guarantees 4 per cent interest for a period not to exceed 30 years on certain bonds issued for the construction of certain lines of railroal. The total amount of bonds upon which there is a government guaranty was, on the first of this year, something over $15,000,000 in United States currency. The annual liability of the insular government on account of these bonds is about $625,000.

Mr. STAFFORD. Altogether $15,000,000 or $16,000,000, including the $5,000,000 originally authorized?

Mr. JONES. No; the $15,000,000 of which I have spoken are the bonds of railroad companies.

Mr. STAFFORD. So that the $15,000,000 or $16,000,000 was utilized exclusively for internal improvements?

Mr. JONES. It was expended by railroad companies to build railroads. The Government simply guarantees the interest for 30 years upon those bonds.

Mr. STAFFORD. Well, the railroad is a public improvement.

Mr. JONES. Since the minority admit that "there is a great need just now of legislation that would immediately and materially benefit the Filipinos," this complete answer to their contention that this bill, if enacted into law, will not afford immediate relief, robs them of a leg to stand upon. The next Philippine Legislature will assemble on the 16th of the coming month.

There is, Mr. Chairman, no sound reason that can be advanced for the further postponement of legislation respecting the Philippines, but there are the strongest and most imperative reasons why Congress should act as promptly as possible. Those members of the minority who insist that action on this bill at this time is inadvisable occupy untenable ground. They declare that they do not object to what they call the "conservative features" of the bill, although they do not indicate which are conservative and which radical. They do say, however, that "they are pleased that changes proposed are so comparatively slight." And they make it clear that their opposition to declaring the purpose of the people of the United States in respect to the future political status of the Philippines is quite independent of and apart from the dangers which they profess to see, or imagine they see, in the present greatly disturbed conditions of the world, and which they urge as a reason for postponing consideration of this bill. This being true, I can not but feel that the apprehensions which they profess to entertain because of the disposition to press the consideration of this bill at this particular time is not their only, or even their principal, reason for seeking postponement. Some Republicans have been quoted as expressing the belief, or at least the hope, that the next House may be Republican. May not these minority Members share their optimism? And if so, would they not regard it as good party policy to indefinitely postpone action on this bill? Upon no other theory, I think, can their apparently perturbed condition of mind be satisfactorily explained.

I have said, Mr. Chairman, that the Philippine Government was not responsible for the unfortunate conditions with which it is confronted. Since President Wilson so wisely applied the policy of Filipinization of the Philippines to the highest branch of their government by naming as members of the Philippine Commission five Filipinos and four Americans, thus giving to the Filipinos the control of both houses of their legislature, the friction that had theretofore existed to such a paralyzing extent has been entirely removed. As a striking illustration of the harmony which marked the proceedings of the last legislature it may be stated that in January last, for the first time in three years, the general appropriation bill was passed without a dissenting vote in either house. An even stronger vindication of the wisdom of President Wilson's action, and a higher tribute to the intelligence and patriotism of this Filipinized legislature is the fact that without in any respect impairing the efficiency of the government a saving of more than $1,000,000 was effected in the current annual expenses, thus averting an impending treasury deficit. According to later information recently received, a saving of more than two and a half millions of dollars, in the aggregate, will be effected this year over the total amount expended last year. But despite such rigid economies and retrenchments as these significant facts reveal, and despite the further fact that the total foreign trade of the Philippines exports and imports exceeded for the first six months of this year that of the corresponding period for last year by $6,000,000, the Harrison government is confronted, by

the sudden loss of its revenues, with a serious financial situation which it behooves Congress to speedily meet.

Mr. Chairman, I must not resume my seat without some reference to the noteworthy accomplishment of Gov. Gen. Harrison within the short period that he has directed the affairs of the Philippine Government. First and foremost, it may be said that he has established a confidence on the part of the Filipino people in the justice and fairness of the American people, which, unfortunately, did not exist when he assumed the difficult and delicate duties of his high office.

He has vitalized the doctrine, so often enunciated by his predecessors in office, that "to the Filipinos belong the Philippines," by Filipinizing the public service as rapidly as a proper regard for civil-service laws and the public interests would permit. This he has accomplished in the face of much opposition and bitter criticism on the part of interested Americans temporarily resident in the islands.

He has inaugurated a system of economy and retrenchment in the expenditures of the insular government which has already saved more than a million of dollars to the Filipino taxpayers, and which promises this year a saving of two and a half times that amount without in any respect imparing the efficiency of the government.

He has caused the repeal of the law which permitted the friar lands to be sold in larger tracts than is authorized by the organic law.

He has been instrumental in the creation of the public utilities commission, the primary object of which is to prevent the exploitation of the Philippines and otherwise safeguard and protect the interests of the public.

He has brought about the enactment of a pure-food and drugs act, having for its object the protection of the health of the Filipinos.

He has reorganized the judiciary to the end that crime is now more speedily punished and justice more expeditiously dispensed.

He has substituted civil for military authority in the Moro Province, and, despite the evil forebodings of his critics, is maintaining peace and order among its inhabitants without assistance from the Army, thus proving that these uncivilized Mohammedans are less intractable than has been represented. [Applause.]

He has promoted the passage of a bill abolishing the needless bureau of navigation, with its high-salaried, superfluous, and incompetent administrators—a bureau which operated at enormous cost to the Philippine people a small fleet of government-owned vessels, serving no useful purpose and chiefly employed as the pleasure craft of high officials.

These, Mr. Chairman, are among the more notable achievements of the Harrison administration within the short space of a few months. Am I not justified, then, in saying that the ability and courage displayed by Francis Burton Harrison in the discharge of his arduous and extremely delicate duties, the just and sympathetic treatment which he has accorded the Filipino people—treatment which has won for him their love and respect and for the American people their widespread confidence—have abundantly justified the wisdom of his appointment as Governor General of the Philippine Islands?

His former colleagues, recalling his distinguished services in this House, and mindful of that loftiness of purpose and devotion to duty which ever characterized his public career in this body, will not be surprised to learn of the splendid success which has crowned his work in the far-away Philippines. To them his triumphs will bring a deep and abiding sense of just and laudable pride. [Applause on the Democratic side.]

Mr. TOWNER. Mr. Chairman, I make the point of no quorum.

The CHAIRMAN. The gentleman from Iowa [Mr TOWNER] makes the point of no quorum. The Chair will count.

Mr. MANN (after a pause). Mr. Chairman, I ask that the Chair announce the result of the count.

The CHAIRMAN. So many Members have come in——

Mr. MANN. The Chair has counted some of them more than once, and still you have not got a quorum.

The CHAIRMAN. Ninety Members are present, not a quorum.

Mr. BRUMBAUGH. Mr. Chairman, I move that the committee do now rise.

Mr. MANN. Oh, you will not make anything by that.

The CHAIRMAN. The Clerk will call the roll.

Mr. MANN. We are not filibustering.

Mr. HAY. Mr. Chairman, the gentleman from Ohio [Mr. BRUMBAUGH] moves that the committee do now rise.

The CHAIRMAN. Yes. The gentleman from Ohio [Mr. BRUMBAUGH] moves that the committee do now rise. The question is on agreeing to that motion.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. GARRETT of Tennessee. Mr. Chairman, I demand a division.

The committee divided; and there were—ayes 41, noes 61.

Mr. MANN. I ask for tellers.

Mr. BRUMBAUGH. I ask for tellers—I withdraw the demand.

Mr. MANN. No; but I ask for tellers.

Tellers were ordered, and the Chairman appointed Mr. CAMPBELL and Mr. BRUMBAUGH.

The committee proceeded to divide.

Mr. GARRETT of Tennessee. I hope the Chair will count those present and not voting.

Mr. MANN. The Chair can not do that.

Mr. GARRETT of Tennessee. Oh, yes.

The committee divided; and the tellers reported—ayes none, noes 101.

The CHAIRMAN. The committee refuses to rise. A quorum is present, and the gentleman from Iowa [Mr. TOWNER] is recognized.

Mr. TOWNER. I yield 60 minutes to the gentleman from Minnesota [Mr. MILLER].

Mr. MILLER. Mr. Chairman and gentlemen of the committee, I have been somewhat surprised in listening to the arguments presented by the various gentlemen representing the majority in the debate hitherto had on this bill. I am surprised because it seems to me remarkable that so many gentlemen should speak with such fervency and with such earnestness, and yet apparently be so completely fooled in the provisions and character of the bill that is before the House. However, the attitude which they have assumed here upon the floor is entirely consistent and in harmony with the attitude assumed by the majority members of the committee in the preparation and presentation of this bill. And, Mr. Chairman, I think it is of the utmost importance that we should not fool ourselves, even if we are trying to fool the people of the United States.

The bill as it is upon the calendar, with the exception of the preamble, which in no sense is a part of the bill, is a bill purely administrative in its features, and contains not an atom of politics and should never be considered from a partisan point of view. [Applause on the Republican side.]

When it became apparent that the majority of the House intended Philippine legislation at this session of Congress, the minority Members desired full well to take up the bill in a purely nonpartisan manner. We felt that American honor has been and is at stake in the administration of the affairs of the Philippine people. If we betray that honor, if we decide Philippine affairs and Philippine questions simply to bolster up party politics at home, we are unworthy of the trust that providence has given to us. But when we made the presentation of our position, desiring to consider this bill in a nonpartisan attitude, desiring to acquire all information bearing upon the subject which it was possible to secure or conveniently could be secured, and desiring then to take up the bill exactly as we took up the Porto Rican bill some months ago, we were met by the statement that "this is a party question; this is a partisan matter; information is not necessary; information is not desired. We shall write a text that shall be in harmony with partisan politics here at home." And, Mr. Chairman, while this city has been filled with men, both Democrats and Republicans, whose long period of service in the Philippine Islands has acquainted them intimately with Philippine affairs and Filipino characteristics, qualifying them to enlighten this House abundantly that we might guide our course aright, the majority closed their ears and their eyes to this testimony and preferred to legislate stupidly in the dark. Nay, more, Mr. Chairman, the Philippine Islands have a most distinguished representative who is a Member of this body, the gentleman from the Philippines [Mr. QUEZON]. He is an interested spectator here to-day. He will speak before the House upon this bill; but, Mr. Chairman, in the consideration of this matter by the Committee on Insular Affairs Mr. QUEZON was not allowed to say one word. During all the weeks that we considered the bill, a bill vitally affecting 8,000,000 of his brothers and sisters, this gentleman, who represents the Philippine people, with an office on the same floor as the committee room, never for one moment was permitted to enlighten the committee, to give us one particle of evidence, or to express one particle of opinion on behalf of his people.

One of two things is true—either that the gentleman from the Philippine Islands failed in the performance of his duty by not demanding and receiving an opportunity to address the committee, or the majority members of that committee decided that they would determine this question regardless of what the

Philippine people wanted or what their Delegate here might say. And, Mr. Chairman, after I have examined this measure carefully, participated in its consideration by the committee, and listened to the presentation here made, I am convinced that the latter alternative states the true situation.

I have heard it said on the floor of this House recently that this bill is to comply with the platform of the Democratic Party; that its enactment into law will be the fulfillment of a Democratic campaign pledge. Never was a statement wider of the truth made upon the floor of this House. But that statement, Mr. Chairman, possesses one excellent Democratic quality; it is that of consistency. It is just as much a redemption of a Democratic campaign pledge as has been the redemption of the other pledges which they made, and no more. We know they were elected with a campaign pledge that the coastwise boats flying the American flag should sail through the Panama Canal free of tolls. We have lived to see them pass a law imposing tolls. We read in their Democratic platform a pledge to economy, and now all the world knows that the present Congress, wholly in control of the Democratic Party, has been the most profligate and extravagant that ever assembled beneath the American flag. [Applause on the Republican side.] We also have read many another of their campaign pledges. One and all have been violated and broken, with such a disregard for party honor that it is almost beyond our comprehension to grasp. There was in the Democratic platform of 1912 an older plank than them all, and, Mr. Chairman, not alone older but rottener than all of the others. It was the plank respecting the Philippine Islands. For fear some of our Democratic brethren never read the Democratic platform, or if they did have forgotten it and do not know it now, I want to invite their attention to what the promise was, so that you may measure it with the performance.

Beginning back in 1900, when the Philippine question first came to be a question affecting our national life, I find this pledge in the Democratic platform of that year:

> We condemn and denounce the Philippine policy of the present administration. It has involved the Republic in unnecessary war, sacrificed the lives of many of our noblest sons, and placed the United States, previously known and applauded throughout the world as the champion of freedom, in the false and un-American position of crushing with military force the efforts of our former allies to obtain liberty and self-government. The Filipinos can not be citizens without endangering our civilization. They can not be subjects without imperiling our form of government; and as we are not willing to surrender our civilization or to convert the Republic into an empire, we favor an immediate declaration of the Nation's purpose to give the Filipinos—
> 1. A stable form of government.
> 2. Independence.
> 3. Protection from outside interference, such as has been given for nearly a century to the Republics of Central and South America.

They promised three things: First, we should enable a stable government to be established in the Philippine Islands. Then at once we should give them their independence and protect them in it as long as there was any danger from outside interference.

Now, they got so unmercifully licked in that campaign on that which they called the paramount issue that they sidestepped their position a little in 1904, but this is what they said:

> We insist that we ought to do for the Filipinos what we have done already for the Cubans, and it is our duty to make that promise now, and, upon suitable guarantees of protection to citizens of our own and other countries resident there at the time of our withdrawal, set the Filipino people upon their feet, free and independent to work out their own destiny.

Not a word about a protectorate, not a word about neutralization, simply giving them their independence, set them on their own feet to stand or fall, if they can.

However, in 1908 they got back again to about where they started. The platform of 1912 is a verbatim repetition of that of 1908, and I want to read it that you may know exactly where you stand:

> We condemn the experiment in imperialism as an inexcusable blunder which has involved us in enormous expenses, brought us weakness instead of strength, and laid our Nation open to the charge of abandoning a fundamental doctrine of self-government. We favor an immediate declaration of the Nation's purpose to recognize the independence of the Philippine Islands as soon as a stable government can be established, such independence to be guaranteed by us as we guarantee the independence of Cuba, until the neutralization of the islands can be secured by treaty with other powers.

And that was repeated, as I before stated, in the campaign of 1912. That means that we should immediately declare the Filipinos are to have their independence; second, that we should guarantee their independence, and then proceed to secure a treaty of neutralization to perpetuate their integrity.

There is not a word in this bill about independence. There is not a word in this bill about neutralization. There is not a word in the bill about guaranteeing the integrity of the Philippine Islands. There is nothing about its independence except in the preamble, and the preamble does not comply with any one of the requirements of the Democratic platform.

Now, Mr. Chairman, it is not essential for us at this time to discuss the importance of neutralization or of guaranteeing independence if we grant it. Let us see for a moment, however, what each of these things requires. If the Democratic people and party by their platform which I have read meant that at some time independence would be given to the Philippine Islands, although it might be 50 or 100 or 200 years from now, they buncoed the Filipino people. They buncoed the people that they talked to from the platform, because we know that without a single exception they lifted their voices with all the strength and vehemence at their command, saying that the Filipino people now are fit to govern themselves, that they are capable of self-government, that their independence should be given them now. So strongly was this impressed in 1900—14 years ago—by the then candidate for the Presidency, Mr. Bryan, that he stated that if successsful he would call an extra session of Congress to give the Filipinos independence then.

Mr. Chairman, if after 14 years' tutelage and schooling they have not advanced beyond the period of 14 years ago, then they are hopeless. Of course they have advanced. Why, the Philippine Islands at this hour would never be recognized by a man who stood there in 1900. The people have changed, their manners have changed, their customs have changed, indicating a marked progress which they have made under the American flag. If they were fit for government then, they surely are now. The Republicans then said they were not, and we say so now. A Democratic majority in this House at this hour says exactly as we do. You must admit that by this bill and by its presentation at this time you admit that the Filipino people are not capable of self-government. They have not advanced to that point where they can carry on a government after we have established it. By this bill you repudiate everything you have said about the Philippine Islands and their people since the islands became ours, and by it you indorse clearly and emphatically the entire policy of the Republican Party on the Philippine question.

But let us look for a moment at one of the other two things. Suppose we should turn them loose and guarantee their independence—a beautiful dream, poetic, philosophic, and ideal. If their independence is in jeopardy, thus requiring that we guarantee it, they are in danger of invasion or being absorbed by some foreign power, and every man with peanut ability knows that that is true. Suppose, however, that we give them their independence, that we haul down the American flag, that we send the American ships back to home ports 8,000 miles away, that we withdraw all troops and soldiers; Mr. Chairman, by that very act we have absolutely incapacitated ourselves from guaranteeing their independence. [Applause on the Republican side.] We have physically made it impossible for us to carry out the purpose, even if we ever intend it.

Furthermore, is any man so childlike as to think, after the history of the last 60 days, that the American people could ever be induced to carry out such a program as that? We have recently heard it said that neutralization of a small territory is about like writing on so much scrap paper. Belgium was neutralized and now lies devastated, bleeding, and prostrate. After what we have observed, is there anyone here—does the Delegate from the Philippine Islands himself believe that neutralization could be accomplished?

Now, Mr. Chairman, if it has been the purpose of the Democratic Party to carry out their campaign pledges in respect to the Filipino people, they having been in power for about 18 months, it is high time that they should have something to offer as to neutralization. If it is the purpose to carry out their oft-repeated declaration, what have they done to secure neutralization of the independence of the islands? I fancy we will wait in vain to hear anybody reply to that question.

I myself believe, and I wish to make this statement on such authority as I have been able to gather, and I have been able to gather some, that the State Department of the present administration has endeavored to see what the nations of the world would do regarding the neutralization of the Philippine Islands, and I am informed that it has been impossible to secure the cooperation of a single nation of the world. Of course that is so. Of course that always must be so. What nation of the world now wants to shoulder a burden such as that would be, without a single compensating feature? We can not shoulder either our burden or our duty upon the back of the rest of the world. Of course not. Independent, and a neutralized land is a poetic fancy; beautiful, I say, but absolutely impracticable.

To return now for a moment to exactly what this bill does, I am not going to enter into a discussion of the various detailed provisions it contains, but I want to talk about the burden of the bill, the change that it makes in the basic principle of our relations with the Philippine Islands if it makes any. After we have looked into this for a while, we find it makes no change in a policy that was established 14 years ago respecting the Philippine Islands, and which has been followed uninterruptedly from that hour to this. In the first place, when we established civil government in the Philippines, we found a people who had never had an hour's practice in self-government. We found a people that were not educated; we found a people that had been taught every lesson in government which a people ought not to learn; we found a people that had never been taught a lesson in self-government that any self-governing people must learn. Their sovereignty had been such as to blight any incipient notion ever brought to their islands by their countrymen who had traveled abroad respecting independence and liberty. About them they found no examples, and they had no neighbors who, by their example, could aid them. There was an empire to the north, an empire farther to the west, and the islands of the sea, with no republican form of self-government in all that part of the great hemisphere. So, Mr. Chairman, it is not remarkable at all that we found them in a condition where they had pretty nearly nothing to start with.

I do not like to criticize anyone particularly, but a statement was made here on Saturday to which I desire to pay some little attention at this time. In response to a question asked by the gentleman from Ohio [Mr. FESS], the representative of the Filipino people on the floor of the House [Mr. QUEZON] stated that in his judgment the Filipino people would have made as great progress in their education and schools had they been left alone by themselves as they have made under American tutelage and instruction. Mr. Chairman, I think I know why the gentleman from the Philippines made the statement. I would not embarrass him at this moment by giving the reason, but I do know this: I know that a more marked, complete misstatement of the situation could not be made. I will say this: It is a characteristic of the Filipino people—they have many lovely and beautiful characteristics as well—it is one characteristic that they never like to admit that anybody else can do anything as well as they can. That is an American characteristic also, but the Filipino people have it a little stronger than I have ever found it anywhere else in the world. It does not matter where you go, it does not matter what you see, you can find at hand always Filipinos ready to say that if left alone they could have done it just as well and perhaps better. Unfortunately, Mr. Chairman, it is not an argument in behalf of the Filipino people, testifying to their present competence and capacity to handle their own affairs, for their distinguished leader—and distinguished he is—to make a statement of that kind. It is contrary to the common sense, contrary to the judgment, of mankind who may never have seen or heard of the Philippine Islands, and of necessity must be wholly out of harmony with the facts.

Just let me give a few moments' attention to the system of public education in the Philippines. When the American flag was first unfurled in that part of the globe there was no adequate system of public instruction. There was a paper system promulgated by the Spanish Government, which was never put into effect. If you could read the beautiful reports which the governor general sent back to the Cortes of Spain, you would find many glowing accounts of the schools and the teachers and the pupils; but the teachers and the schools and the pupils had little physical existence outside of the imagination of the man who penned the lines. There were some schools back a little earlier than 1898. They were mostly church schools. There were no public schools, however, under the supervision of the Government, excepting a limited few. And what did they teach? I have seen the buildings they were in—if you could call them buildings. You would not put a dog in such a place; and if you would put a self-respecting hog in there, he would go out in the sunshine, amidst God's green grass, to live, and live decently. That was the kind of buildings the Spanish provided, so far as they provided any at all, for schools.

Mr. QUEZON. Mr. Chairman, will the gentleman yield?

Mr. MILLER. Certainly.

Mr. QUEZON. Mr. Chairman, I have been educated in the public schools. I want to make just one statement. The gentleman does not pretend to say that we did not have any kind of public schools?

Mr. MILLER. I have just stated that there was some system.

Mr. QUEZON. My native town is 150 miles north of Manila; it is very small and is in the mountains; and there was a public school in my town, and I was educated in the public school and it was not a church school, either.

Mr. MILLER. I was just stating what the gentleman has said. It is his misfortune that he did not have the benefit of schools existing there for the last 14 years, and it is to his great credit that he has made such a wonderful career with the education given him at that time.

Mr. QUEZON. We have 2,000 public schools.

Mr. MILLER. But he will agree with me that the education which really has fitted him for his life work he acquired after he left that school. Let me continue a little further in the description of those schools. It is true there were some of those schools, running to-day, closed to-morrow, supported now, denied to-morrow. Anyone who observed the course of instruction, however, must have been forcibly struck by the fact that it had no possible connection or relationship in fitting a boy or a girl for citizenship or to perform a citizen's part in a self-governing community. It was not designed or adapted either to give them advancement in industrial life or to fit them for the responsibilities of government to be carried on by themselves. They did have some system of schools, and I trust I have been fair and impartial in whatever I have said to the extent of the time that I have devoted to it; but, Mr. Chairman, those schools were all closed at the time we went there. The American soldier no sooner had participated in the pacification of an area than he became a school-teacher, and he has carried it on from that day to this. In many remote and distant jungles or on mountain sides, where only wild people live, where only soldiers of our Caucasian race have penetrated, I found those soldiers setting up and maintaining a little school. The American flag has meant not only safety and protection, but it has meant education. [Applause.] After the soldier came the American school-teacher and established a system of schools and gave an education adapted to fit them for an industrial life and to fit them for self-government.

Now, Mr. Chairman, in the 14 years we have been there we have built schools in nearly every section, and when I use the term "we" I want to indorse what the gentleman from the Philippines said last Saturday. We have not paid for it; it has been paid for by the Filipino people. We have been the supervising directors, we have promulgated a system, and we have supervised its operation. The Filipino people, however, have paid the bills, and it is to their eternal credit that they should have done so; and perhaps I might be pardoned if I should pause long enough to refute a common expression respecting the cost of the Philippines to the United States. I have heard it stated by gentlemen on this floor, and I have frequently heard it stated among the people of our country, that the Philippine Islands are a source of great expense to us. Not at all. When we speak of road building and bridge building, when we speak of school buildings and public buildings, when we speak of sanitation, health, and all that great work of regeneration and public benefaction carried on in the islands, we speak of development that is paid for by the Filipino people.

Mr. MANN. Will the gentleman yield for a question?

Mr. MILLER. Yes.

Mr. MANN. Does the gentleman say that all of these expenses were paid for by the Filipino people?

Mr. MILLER. Those I have enumerated are.

Mr. MANN. Is it not a fact that shortly after we acquired the Philippines we passed a tariff law in reference to merchandise passing between the Philippines and the United States and levying a rate of duty on goods imported from the Philippines to the United States, and on goods imported to the Philippines from the United States, and turned all the money which was collected at both sources over to the Philippine government?

Mr. MILLER. The gentleman is entirely correct in that statement, which was some years ago.

Mr. MANN. Oh, it came down to the Underwood tariff law.

Mr. MILLER. That is true, that in tariff matters the Filipino people have received many benefits from congressional enactments of this body.

Mr. MANN. Well, they got the money—not merely the benefits, but they got the money out of us.

Mr. MILLER. That is true, and to a certain extent the statement is entirely proper. I say, Mr. Chairman——

Mr. DONOVAN. Mr. Chairman, will the gentleman pardon an interruption?

Mr. MILLER. Certainly.

Mr. DONOVAN. The gentleman from Illinois [Mr. MANN] could make himself stronger if he should state the volume of that money. It was practically a small amount that came out of the customs to the Philippine Islands.

Mr. MILLER. Mr. Chairman, I do not care to yield my time——

Mr. MANN. It was a very considerable amount.

Mr. MILLER (continuing). For discussion to other gentlemen; but the gentleman from Illinois has stated it was substantially a large sum in fact.

Mr. DONOVAN. Mr. Chairman, will the gentleman permit another question?

Mr. MILLER. Certainly.

Mr. DONOVAN. It is a matter of record, and the records will bear me out that it was a considerable sum of money.

Mr. MILLER. Let the gentleman put the figures in the RECORD, if he desires to do so.

Mr. HELM. Will the gentleman yield?

Mr. MILLER. I do.

Mr. HELM. Do I understand the gentleman to make the statement that there has been no considerable expense devolving upon the United States by reason of its occupancy of the Philippine Islands?

Mr. MILLER. Well, yes. I have in mind what the gentleman is about to say, and if he will make it exceedingly brief I am willing for him to inject it here.

Mr. HELM. Do I understand that the gentleman excluded the estimated cost in June, 1902, by Senator Hoar of $600,000,000 that had been expended to that date by the United States, from the beginning of the Philippine war up to that date, in maintaining our Army?

Mr. MILLER. Oh, I will say to the gentleman that I have attended a great many Fourth of July celebrations where bombastic oratory was soaring and statements were made as wide from the facts as they could be made, but I do not think I ever heard any quite so wide from the truth as that statement to which the gentleman referred. [Applause on the Republican side.] And everybody who knows anything about the Philippine Islands at all——

Mr. HELM. Do I understand the gentleman as taking issue that Senator Hoar, who was a very eminent Republican, made that statement? Does the gentleman deny that he made that statement?

Mr. MILLER. Certainly I could not deny it; I could not deny it. I have no intention of denying he made the statement.

Mr. HELM. Then the gentleman's statement is that Senator Hoar himself made a mistake?

Mr. MILLER. If anybody made the statement, it was a misstatement.

Mr. HELM. Well, if it was stated in August, 1911, that the maintenance of our army in the Philippines for the then last 10 or 12 years was at an expense of $167,486,000 in excess of the cost of maintaining an army of similar size in the United States, would the gentleman say that was a false statement also?

Mr. MILLER. I anticipated the gentleman's remark by what I said previously, that I expected to get that statement. I believe the gentleman's figures are excessive. The only charge against the American people incident to our Philippine relations for many years, for which we paid out money directly, has been such increase in the cost of maintaining the army in the islands over the amount it would have cost had they been elsewhere in the United States.

Mr. HELM. Just right there.

Mr. MILLER. But it is no such sum as the gentleman suggests.

Mr. HELM. This statement was made by Gen. Wood, who was then Chief of Staff.

Mr. MILLER. I do not feel that I can yield further for discussion.

Mr. HELM. I simply want to know if the gentleman considers himself in a better position to know what had been expended for the maintenance of the army there than Gen. Wood, who was then Chief of Staff of the Army?

Mr. MILLER. The reports to Congress contain all the information on this subject that any gentleman could possibly require.

Mr. MANN. Is it not a fact that we passed a resolution asking the War Department to report to us what the cost had been to the United States, and they said it was not possible to determine it?

Mr. MILLER. I thank the gentleman for the statement. That is entirely true.

Mr. MANN. The gentleman from Kentucky may be able to determine it, but the War Department could not.

Mr. HELM. I would like to state that this statement of Gen. Wood was in response to that resolution.

Mr. MILLER. The gentleman from Kentucky [Mr. HELM] will have time and can make any presentation of that fact that he cares to make.

But to return to the argument I was about to make respecting the system of education in the Philippine Islands. No sooner had the American soldier started to become a schoolteacher than we took up the matter of public education of the Philippine Islands in a big way, commensurate with the way the American people do things. We advertised for and secured by careful selection about 1,000 first-class American schoolteachers. And, Mr. Chairman, they have gone into all parts and sections of the islands. They have been missionaries not only of light and learning to an ignorant people, but they have been missionaries of character, missionaries of ideals, missionaries of all the high concepts of manhood and womanhood that American civilization stands for. [Applause on the Republican side.] I believe I am well within the facts when I say that the work of the American school-teacher in the Philippine Islands is the most notable achievement that stands to the credit of any missionary or any group of people, secular or religious, since human history began. [Applause on the Republican side.] Not only did they instruct the youth as buildings were provided and funds procured, but they did that which was equally necessary and has since proven to be absolutely indispensable, they started to teach the Filipino people to be teachers. They started with about 150,000 children in the schools. There are now 550,000 Filipino children enjoying a splendid system of instruction in the islands. There are to-day about 700 American teachers engaged in the work—a less number than there were at the outset—all there in a supervisory capacity. The great bulk of the instruction to-day is by Filipino teachers, of whom there are above 8,000. Why, Mr. Chairman, when we think that 14 years ago there was not a single Filipino capable of being a teacher in the system of schools established, and to-day there are 8,000, what wonderful progress has been made!

Mr. QUEZON. Mr. Chairman——

The CHAIRMAN. Will the gentleman from Minnesota yield to the gentleman from the Philippines?

Mr. MILLER. Certainly.

Mr. QUEZON. Does the gentleman mean to say that there was not a single Filipino capable of being a teacher?

Mr. MILLER. I hope the gentleman heard my statement. I said there was not a single Filipino capable of being a teacher in the system of schools then established.

Mr. QUEZON. Because you were teaching English.

Mr. MILLER. We were teaching a thousand things—something besides the catechism, I admit.

Mr. QUEZON. There were Filipino teachers.

Mr. MILLER. But only a handful throughout the islands, and not qualified to teach in the system of public schools that was then established and has since been carried on. If it be stated that without American instruction and guidance the Filipino people could have accomplished as much as they have, then the part of the Scripture wherein it says "If the blind lead the blind, they fall in the ditch" is untrue and unworthy of a place in human philosophy. They have been led and wisely led, and they have responded nobly.

Now, I wish to make a statement further testifying to the statement offered by the gentleman from the Philippines on Saturday. The Filipino people have taken to education with wonderful alacrity. It is to their credit. I have traveled not alone in the larger centers, but out in the Provinces and remote regions, where the American schoolhouse and Filipino schoolhouse are combined, the Filipino schoolhouse erected by American genius and Filipino money, situated out among the palms and the pines, and I have seen the boys and girls there at 7 o'clock in the morning waiting for school to open. There are not schools enough there now to accommodate all the children. There are more than 1,000,000 children of school age in the Philippine Islands. They are being cared for and accommodated, however, just as rapidly as buildings can be constructed and teachers employed.

I think I am well within the facts when I say that the greatest handicap yet experienced in extending the school system is the lack of teachers. There is a splendid normal school in the city of Manila, where 1,200 Filipino men and women are studying to become teachers, and they are doing magnificent work. No one can see what they are doing or what has been done without having anything but the highest praise for it all. But, my good friends, the genius back of the entire movement has been the genius of the American. The Filipino has accepted it, embraced it, utilized it, all to his credit, but without the Americans it never could have been. If not so, then why do you find the condition in the other islands of Polynesia that you do? The Philippine Islands at the present is the only section of that quarter of the globe where there is a real public system of instruction.

Mr. QUEZON. Mr. Chairman, I would like to ask the gentleman if he is informed that before the American occupation of the Philippines the main cause of our dissatisfaction against Spain was the desire of the Filipino people to get more and better education in the Philippine Islands?

Mr. MILLER. That is absolutely correct.

Mr. QUEZON. Then where did the American Government help to instill that desire for education in our minds?

Mr. MILLER. The American gave spirit to and enlarged the Filipino desire to learn, but without America where would you have procured the teachers, where would you have had the instruction, where would you have had the system of education that you have to-day? I want to say something further about the system of education. I have been a school-teacher during a period of my life that I look back upon with probably more satisfaction than upon any other period of my existence. I conceive that a school-teacher is performing about as high and satisfactory service as is performed by any class of people in the United States. So when I see a public system of instruction I think I am entitled to have some notion respecting it. When I visited the islands I made it my special purpose to investigate and visit the public-school system wherever it could be found. I think I visited pretty nearly every school of importance in the islands, and I visited hundreds, literally hundreds, of the small primary schools. I therefore make this statement after a full investigation: I believe that the system of education which we have established and maintained in the Philippine Islands is the best adapted to the needs of its people of any system of education existing anywhere among any people on earth.

Never in any other region has industrial education been carried to the logical and extended limit that it has been carried in the Philippine Islands. From the time a child first enters school, whether a boy or a girl, that child learns to work with the hands, learns to perform some manual labor in an industrial line that will equip him or her for future usefulness in life; and one of the greatest things the schools have done is to dignify human labor, and no man can possibly appreciate this more than certainly will the gentleman from the Philippine Islands [Mr. QUEZON]. You see some remnants of that old prejudice against labor there, although, thank goodness, under 14 years of American occupation it has been rapidly dissipated. There is a feeling that physical labor is degrading. I think that came from the Spanish idea. We had not only to teach the people industrial occupations, but we had to teach them that physical labor is manly and womanly and honorable in every respect; and to have accomplished that is, to my mind, probably as great an achievement as any. All through the schools, from the primary up through the intermediate grades to the high schools, even into the normal schools and colleges, the girls are taught domestic science, embroidery, lace making, hat making, and a score or more of other industrial pursuits. Likewise, the boys are trained in all manner of manual training. They are trained to be carpenters, to be blacksmiths, to be machinists.

The Filipinos need industrial training as they need nothing else. They need it even more than they need to have the philosophy of education expounded unto them, and such has been the system that has been endowed and established there; and it is beyond human comprehension how any gentleman would care to make the statement that, unaided and unguided, they could have achieved this remarkable result.

I am going to make this statement here publicly, although I almost regret the necessity of making it. I had two objects in view in studying the school system in the Philippines. I wanted to see how it was adapted to training boys and girls for future responsibilities as citizens. I also wanted to see what was the result to the school of removing American supervision. So I traveled and I saw. I found that wherever American supervision was immediate, was direct, was there on the ground, the work of the teacher and the children and the school was efficient. It was what you might call satisfactory. The spirit was good. The morale was good. Things were shipshape. The atmosphere was such as you would like to see in a school. But, without a single exception, when you removed that immediate supervision and allowed a school in charge of a Filipino teacher to be removed and separated and to exist by itself the decline was immediate and most disheartening.

Oh, I visited so many of the schools that if they had not been named "schools" I would never have known that they were schools, because the supervision was not there; eloquently testifying to the capacity of the Filipino teachers to respond to the ideas that they see, and to the utmost importance of the supervision and direction on the part of the American supervising force. This does not mean the Filipino teacher never can be self-reliant; it simply means that, while advancing, he has not yet reached it.

Mr. Chairman, I have occupied vastly more time in discussing education in the Philippines than I ever expected to. I want now to advert very briefly to what has been done in the Philippine Islands in the extension of the policy inaugurated there at the time President McKinley sent his message to the first commission.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. MILLER. Yes.

Mr. TOWNER. Allow me, Mr. Chairman, to say to the gentleman from Minnesota [Mr. MILLER], so that he can govern himself accordingly, that he has 10 minutes more of his hour, and I intend to yield to him 10 minutes after the expiration of that time, so that he has now 20 minutes in all.

Mr. MILLER. I thank the gentleman. In the first place, it must be remembered that not only had a system of education to be established, but that Filipino people had to be trained to exercise the responsibility of governing positions even in the small places. Now, I recognize that under the Spanish régime there were a great number of Filipino officials; but the way the government was transacted under Spanish direction and requirement was such as to make it practically impossible for those men to possess any value in the experience which they had enjoyed, so that we had to train men for the work.

I find, in looking over the history of the Philippine Island government, that to-day, without this bill in effect, under the Republican administration almost complete self-government has been given to the Filipino people. The Philippine Islands are grouped in municipalities. Every municipality is governed entirely by Filipino people; only with a check upon the work in the hands of the American Central Government, utilized and exercised only as necessity requires. The Provinces are almost entirely within the control of the Filipino people themselves. There are three officials in the governing board—a governor, the third member, and the treasurer. The first two are Filipinos. We found by experience that it was necessary that the treasurer should be an American, although at the outset we had a Filipino treasurer as well. In the insular government in 1907 an assembly, popularly elected by the people, was established as the lower house of the legislature.

I might recite many other things, all showing that at every possible step a still greater and further participation in their government has been given to the Filipino people.

Now, this bill is but an added step in that direction. This bill goes a step further. It is in complete harmony with the policy pursued by the Republican administration from the days of William McKinley until now. There is nothing new in this bill; there is nothing revolutionary in it, as far as policy is concerned; but there are, most unfortunately, some most vicious provisions which unquestionably would have been eliminated, in my judgment, if the consideration and preparation of the bill had been approached from the nonpartisan standpoint and everybody worked together to perfect it. It is by reason of those features that we find it necessary to oppose the bill as a whole.

The gentleman from Virginia [Mr. JONES] in a most remarkable statement last Saturday and somewhat further to-day claims that this bill is desired by the Filipino people; that they want this bill. After listening to what he said and reading his report I thought they were all like the children of America, who cry for Castoria; that they are crying for the Jones bill—the bill Honas, as they call it over there in the Spanish language. I thought from what he said and after reading his report that from early morning until late at night the old and the aged, the manly and the strong, the infant and the weak were praying and crying for Bill Jones. But, Mr. Chairman, the gentleman from the Philippines [Mr. QUEZON] only prays in his heart this minute that that were true. As a matter of fact, it is not true. The gentleman has stated a half truth which contains all the elements of a misstatement, which he did not intend to make. I desire to be understood that I do not accuse him of deliberately and intentionally making a misstatement; but the statement that he made is only a half truth, which is in effect a whole untruth. I want to introduce the membership of the House to some of the yearnings on the part of the Filipino people for this bill. I am going to read to you an account of some meetings called in the Philippine Islands the minute they heard about this bill and what it provided. It may be that the Democratic Members of this House can beguile themselves into believing that this bill is a fulfillment of their hitherto announced position toward the Philippine Islands, but you can not make the Filipino people believe it. You may bunco yourselves, but you can not bunco them.

Now listen to some of the things they have to say about the bill. I am reading from the Cablenews-American its account of a meeting in its issue of June 13:

CONDEMN DEMOCRATS AT MASS MEETING—HARRISON'S POLICIES ARE ROUNDLY SCORED AND HE IS BLAMED FOR PRESENT ECONOMIC DEPRESSION.

A hot protest was made Friday night before between five and six thousand people gathered in the vicinity of the Katubusan cigar factory against the new Jones bill and the attitude not only of its author but also against that of the Democratic majority in Congress in regard to the independence of the Philippines.

The chief note of the gathering was its orderliness, and the police reserves that were held in readiness and the plain-clothes men who mixed with the crowd did not have to intervene in any way to keep peace.

The speeches were for the most part made in Tagalog, but the theme of them all was the same—a protest against the failure on the part of the Democratic Party to fix the date of ultimate independence. Personalities were forgotten. Even local political parties were left free from attack, the keynote of the speeches being, "We want independence and not parties. Down with personalities and long live principles."

The leading speakers were to have been Teodoro Sandico and Dominador Gomez, but neither was able to attend, the former because he had been called to Bulacan to address a meeting there and the latter because he was confined to his bed with catarrh.

While this was a disappointment to the crowd, other speakers made up in great measure for their absence. Among the chief speakers were Pedro Gil, of the Consolidacion Nacional, and Antonio Montenegro, one of the leaders of the new third party.

Señor Gil called attention to the fact that the Filipino people were playing their last card in the independence question, and that their silence in the face of the present situation would be looked upon badly in Washington. He and other speakers also called attention to the fact that the Republican Party had been more honest in their attitude toward the Filipino people than had the Democrats, who, while they declared for the justice of the cause of independence, were now backing out of their promise.

Congressman MILLER, with his scheme of an elective senate, also came in for much praise—

You will pardon me for reading this portion of the gentleman's speech, and I pause long enough to state that the one thing that I did in my own mind determine by reason of my visit to the islands as an essential and proper step soon to take was to give the Filipino people an elective senate, that they might have a complete legislative body elected by themselves—

it being held that even that was much more favorable than the present nondescript scheme, which left the matter where it was in the days when President Taft declared for independence when the people showed their capacity for it.

The policy of Gov. Gen. Harrison was roundly scored. The present economic depression was laid to his door as much as to that of the Democratic Party in the States, and several of the speakers went so far as to declare that the change of administration had been disastrous for the country.

It was finally announced that this morning a cable would be sent to the President of the United States denouncing the Jones bill and asking that a definite time for the granting of independence be fixed.

That cablegram was sent. I did not see anything about it in the report of the committee or in the remarks of the gentleman from Virginia.

Seven thousand members of the seamen's union also clubbed together to cover the cost of a cable in the same terms.

Among the interested spectators, though standing in the background, was Speaker Sergio Osmeña, accompanied by his aid, Antonio Torres.

The CHAIRMAN. The gentleman's hour has expired.

Mr. TOWNER. I yield 10 minutes more to the gentleman.

Mr. JONES. May I ask the gentleman a question?

Mr. MILLER. Certainly.

Mr. JONES. I want to ask if that paper from which the gentleman read that account is not an American paper, and if it has not always been regarded as bitterly anti-Filipino?

Mr. MILLER. I would not say that the last statement is true. The first statement is true. It is edited by an American; but if the gentleman has any doubt about its accuracy, if he will hold his patience for a moment, I am going to read him a volume of stuff from Filipino papers if I have the time. I am going to read some of it, anyhow. That was a meeting of five or six thousand. There were many of these meetings where there were thousands and thousands present, protesting in the strongest language against the Jones bill. Here is another one from the Manila Times, not the Cablenews-American, giving an account of another mass meeting of Filipinos:

THREATENED MAN WHO PRAISED JONES BILL—SPEAKER PREFERS TAFT TO JONES, AND IS CHEERED.

That ex-President's Taft's suggestion to grant the Philippines independence after three generations is infinitely better than the new Jones bill, which sets no time at all, was the assertion which Sr. Medina, one of the leaders of the Partido Democrata Nacional, made during a powerful speech delivered before a great crowd assembled around the band stand on calle Moriones last night for the purpose of protesting against the passage of the new Jones bill. This statement was received with enthusiastic applause by the multitude, thus showing the intense feeling of disapprobation which they have against the said bill.

The meeting commenced shortly after 9 o'clock, which was one hour later than the scheduled time, the delay being due to the nonappearance of Dominador Gomez and Isabelo de los Reyes, who had promised to speak on the occasion. As the crowd showed signs of impatience, due to the nonarrival of these gentlemen, Sr. Medina was introduced, after whom Gen. Antonio Montenegro and ex-Gov. Teodoro Sandiko also spoke.

Gen. Montenegro whelmed the entire Nacionalista Party in a comprehensive condemnation. He called the members of that organization humbugs, despots, and ungrateful. The Nacionalistas, he said, made all kinds of promises to the people while they were candidates for office, but once the people had placed them in the coveted places, both the people and the promises were forgotten. For these reasons, nevermore should the citizens place their confidence and trust in them.

Gen. Montenegro then changed his topic and spoke of the new Jones bill. But hardly had he pronounced a few sentences against the measure when a man emerged from amidst the crowd and asked to be allowed to say a few words. This request was courteously granted by the speaker, who afterwards regretted having done so: for the unknown speaker, holding an entirely different opinion in regard to the Jones bill from that entertained by the previous speakers, challenged the statements made by the general, and in vehement language called "ignorants" those who would say a word against the measure. "This law," he said, "is still in the air. No copy of it has yet been received in the islands. We do not know whether, when finally presented by its author to Congress for approval, it will have the same provisions that it is reported to have to-day. All criticisms, therefore, are premature, and those who are trying to wage a campaign against it are fighting against their own shadows."

But here a thunder of protest burst from the infuriated crowd, who, incensed by the somewhat complimentary remarks of the speaker, filled the air with cries of "Fuera! Fuera! You are not a Filipino! We are all against the Jones bill. You are the only one in favor of it. You are not a Filipino! Fuera!"

The gentleman from the Philippines knows what "Fuera" means.

SEVERAL MEMBERS. We do not know.

Mr. MILLER. It means "Begone, away from here; you are not of us."

The words were uttered with such anger by the excited crowd that for a time the life of the man seemed to be in danger; but, thanks to the presence of a number of police, the incident passed without actual violence.

Peace was restored when Teodoro Sandiko was introduced, and that gentleman had an opportunity to discuss the question calmly. Among the statements made by him the most notable was that in which he advocated a reform of the present law so as to extend the right of suffrage to those who are able to write in their native language. "In America," he remarked, "the people are not required to speak or write any foreign language in order that they may be allowed to vote at public elections," and it seemed illogical that Americans should see fit to enforce such a rule here.

As both Dominador Gomez and Isabelo failed to show up, the crowd dispersed at the termination of Sandiko's speech.

Now the gentleman here, Señor QUEZON, knew what the Filipino people had been led to believe, knew the attitude that they would immediately take toward this bill, and he took counsel to see what he might do. There are two Resident Commissioners, Mr. QUEZON and Mr. EARNSHAW. Where is Señor EARNSHAW? Where has he been for the last four months? I will tell you. The moment the White House gave an edict that this bill and this bill alone should pass, Mr. EARNSHAW, in desperation, hurried to the Philippine Islands in an effort to sugar-coat the bill. He carried in his possession a draft of the bill. It was known that he was coming. The day and hour was set for his arrival. A great outpouring of Filipinos gathered in the opera house, before whom Señor EARNSHAW proceeded at once to read and explain the bill. I wish I had time to give you a full account of what occurred on that memorable occasion. I can only give a little. Here is the account:

Between four and five thousand persons, a large majority of whom represented the anti-Osmeña forces of the progresista and third parties, packed the big auditorium to its fullest capacity, and alternatively cheered and jeered as the adherents and opponents of the fixed-date propaganda strove to gain a hearing. At one time only was there any semblance of continued calm, and that was during the address of Commissioner EARNSHAW.

At the opening of the meeting the proposal for a resolution of confidence to be cabled to Commissioner QUEZON was presented, but in its original form it contained no reference to "a fixed date." Attorney Jose O. Vera was on his feet almost instantly with a proposal to amend the draft by the addition of the words "at a fixed date," thereby winning for himself thunderous applause from the vast assemblage. On the proposed amendment there was a heated argument, during the course of which those who arose to oppose it were hooted down by the crowd, while those who appeared in its defense were cheered to the echo.

Before the vote on the question was taken, however, Commissioner EARNSHAW was introduced by Assemblyman de la Rosa. At this the tumult abated, and the audience listened with rapt attention during the whole of his rather protracted address. At its close he was heartily applauded, but scarcely had he withdrawn from the stage before pandemonium was again let loose. The cause for this outbreak was the apparent intention on the part of those in charge of the meeting to adjourn it without calling for the vote on the "fixed-date" amendment offered by Attorney Vera.

A score of the more fervent of the radicals pushed forward to the orchestra chairs, shaking their fists at the members of the committee and demanding that the vote be taken immediately. Mariano Lim, who was acting as master of ceremonies, finally stilled the crowd long enough to call upon those in favor of the proposed amendment to raise their hands. Instantly almost the entire house was upon its feet, and the forest of waving hands gave ample proof of the sentiment of the crowd. A call for those opposed to the proposed amendment was responded to by a score or so of intrepid spirits, but these were ignominiously jerked off of their feet by those in favor of the measure.

The announcement that the amendment had been carried was the signal for a wild demonstration of enthusiasm, which lasted for a full quarter of an hour, at the conclusion of which, after vain calls for Sandiko to address the meeting, the crowd slowly dispersed.

That was a meeting called by the friends of Señor QUEZON and Señor EARNSHAW that Señor EARNSHAW might have himself a favorable opportunity for presenting the terms of this bill, and, if possible, to get the Filipino people to like it. How far he got that account shows. Now, this was the resolution they had previously prepared and which they expected to jam through:

The Filipino people, including all classes, interests, and vital forces of the country, in public session assembled, solemnly ratify the confidence reposed in you and your comrade, the Hon. MANUEL EARNSHAW, to secure from the Congress of the United States the immediate concession of our independence.

But that would not satisfy the crowd. Four or five thousand against twenty persons insisted upon adding these words, "at a fixed date." And those words were added at the end. So, my good friends, if you think you are satisfying your consciences by the bill which you have here, you are a long ways from satisfying the Filipino people that you have not betrayed the confidence they placed in you.

For fear the gentleman from Virginia [Mr. JONES] will be disinclined to believe the Americans when they talk, preferring to rely upon the statements of Filipinos when they talk, I want to, for his information, give some of the accounts of the Filipinos of this meeting, and I am going to print in the RECORD a lot of extracts that I have not time to give here. Here is what a leading Filipino paper, Consolodacion Nacional, says:

It is truly sad to observe the inexplicable attitude adopted by the Osmeñaites with reference to the imposing manifestation of popular will at the Grand Opera House on Sunday last. Just because the meeting convoked by the Osmeña gang themselves did not do what was desired—the people feeling the weight of responsibility resting upon them, acting spontaneously and expressing their will—Osmeña and his satellites are now publicly showing their contempt of the will of the people. Drunk with power, they are beginning to think that their mandates must be complied with invariably, that their will must be accepted by the people as the supreme law, without protest, without recalling that the power of the bosses is derived from the people. To these unfortunates the people are the charmed circle of their political adherents, and they are always ready with words of scorn for the masses of the people, the real backbone of the country, who make known their will by the force of their votes under a government where the will of the people is supreme. But what do these enemies of democracy really seek to accomplish? Are they trying to establish an oligarchy here so as to be able to give free rein to their caprices and to do violence with impunity to the interests of the majority? It seems almost incredible that after more than nine months of a Democratic administration, in which every effort has been made to instruct the Filipino people in the art of self-government, there should still remain among us men who can not free themselves from these pernicious ideas of political absolutism.

The people treacherously and cowardly abandoned and neglected by the Osmeñistas and the members of the extinct Liga Popular Nacionalista have been welcomed by the Partido Nacional Democrata and the Progresistas, says La Democracia. This fact, which constitutes the political sensation of the hour, was the cause of the colossal downfall of the Gran Partido Nacionalista at the mass meeting held last Sunday at the Grand Opera House.

We are not going to discuss whether or not the people have a right to ask for a fixed date for the concession of our independence. But at the convention held yesterday morning at the Grand Opera House they have proved that they can not always be made the unconscious, pliant instruments of our double-dealing and conspiring politicians and that they have the courage of their own dogmas and convictions.

The death knell of the inflated Immediatistas was sounded yesterday at the opera house, because the people have at last come to their own and realized the dangerous elasticity of the vague but alluring policy advocated by the Osmeñistas and that the inconsistent attitude of the latter has proved that either the Progresistas were right in not fixing the date for independence or that the policy of the Osmeñistas is nothing short of a wildcat political scheme and efficient means by which to ascend the heights of government power.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. TOWNER. I yield to the gentleman 10 minutes more.

Mr. MILLER. Mr. Chairman, here is an extract from another Filipino paper, La Vanguardia:

The Grand Opera House meeting Sunday was a political event of the first order. A most delicate and fundamental question was discussed, namely, the fixing of a date for independence and the attitude our representatives in Washington should adopt. These matters had been aired previously in rather heated discussion, and varied opinions were expressed. But at yesterday's meeting perfect harmony prevailed. It is true that there were explosions of enthusiasm and manifestations for or against certain of the speakers. But this is only natural in affairs of that kind. The meeting clearly shows that there really exists a public opinion. Our detractors insistently denied this. The public, which yesterday gathered at the Grand Opera House, understood that in order to assure the success of our cause in the United States it is necessary to give new encouragement to them and reiterate our faith in our standard bearers, who are sacrificing themselves by leaving their country and interpreting at Washington the will of the people of the Philippines. As one man, and seemingly moved by one patriotic sentiment, the gathering voted on the principal point, which is that of confidence in our representatives.

El Ideal is the official organ of the Nacionalista Party, the party now in power. Speaking of the opera-house meeting, this paper says:

The people at the Sunday meeting said, "We want immediate independence, and we ask our delegates at Washington to secure it." This is exactly what the great Nacionalista Party always has preached, and is preaching to-day. What will the American Nation say to the petition of the Filipino people? This question only the Resident Commissioners can answer, because they know the situation in the United States. Two bills have been introduced by the Democrats anent the Philippine problem—the old Jones bill, which fixes the date of independence, and the new measure, which does not.

After quoting President Wilson's words stating his position with reference to the fixing of a date, El Ideal continues:

These words indicate, first, that the present administration is not inclined to grant us immediate independence; and, secondly, that the only thing that can be conceded to us is the new Jones bill. The question has been thus put by Commissioner EARNSHAW: "Shall we accept the new Jones bill without prejudice to our right to continue advocating independence in the future, or shall we prefer to have things remain as they are now?" Speaking for ourselves, we are in favor of the new Jones bill; decidedly so. Not to accept it would be an act of insanity. When the Philippine Assembly was inaugurated the people accepted it as a concession. They did not renounce their ideals, and remained determined to work for still larger concessions. When Gov. Gen. Harrison brought us the news that there was to be a Filipino majority on the commission, we accepted that concession for the same reason and without renouncing our ideals. Why are we now to reject a positive benefit, just because our ultimate object is to attain a thing which at present is not conceded, but still not renounced? The race of Don Quijotes, we believe, is a thing of the past, at least in the Philippines. If you become tired out, finding your path obstructed by dense growth, you will accept a glass of water and a little morisqueta, won't you, so as to gain renewed strength to continue the arduous journey to the top.

Now, that is from the Nationalist organ, the organ of the party represented by Señor QUEZON, and the party in control. Whether or not they like this new Jones bill, you can be assured they would not rush into print against it, and to say what they did must have been inspired by strong feeling.

Speaking generally, La Democracia, another Filipino paper, says:

The new Jones bill, which has been the cause of a vigorous protest made manifest in the press and in the meetings, puts in bold relief the discrepancy among the prominent Nacionalistas and a great part of the people.

This state of affairs should no longer continue, if the intention is to give the Philippines a democratic and not a despotic government, with the sole control and will of high-handed caciques. In matters like independence, which vitally and directly affects the Filipinos, Congress, like the President of the United States, should consult the diverse opinions prevalent among the Filipinos before approving or adopting any measure or resolution concerning the Philippines. In this way Congress would act with more wisdom and tact, and it would not be said that the Filipino people are governed by a lot of petty tyrants.

We have no doubt that President Wilson acts in good faith, but we believe that it will be erroneous and in a certain way prejudicial to consult exclusively the personal opinion of Señor QUEZON concerning anything anent the question, because measures would then be adopted without first consulting the opinion of the majority of the Filipinos, measures which would perhaps be against our own interest. As a concrete case, we have the new Jones bill, which does not seem to have the solid support of the majority of our people.

It is undeniable that neither QUEZON or Osmeña represent the opinion of a considerable portion of the Filipino people, as is proved by the fact that there now exist two distinct Nacionalista parties, besides many other important elements, which, although being independent in politics, can not by any means be indifferent when dealing with a great and important question such as the independence of their country.

This is just as much as the Filipino people love the Jones bill.

But we have the words of the Resident Commissioner himself in respect to how he apprehends his countrymen will take the new Jones bill. Not even sending one of the commissioners back in an effort to appease the people did they think would be sufficient. So hundreds of cablegrams had to be sent, and some of them go a long way. This is from Señor QUEZON himself. It is an account given by the newspaper publishing the telegram:

PRESENT MEASURE ALL HE COULD GET IS REPORT MADE BY QUEZON—IF PRESENT PHILIPPINE BILL FAILS, DOESN'T THINK FUTURE CONGRESS WOULD GIVE AS MUCH.

That the Filipino Resident Commissioners in the United States submitted a bill to President Wilson establishing a Philippine constitution and a Filipino republic, but that the President opposed it, is the news contained in a lengthy communication given out at the office of the secretary of the assembly this morning.

The communication is from Speaker Osmeña and was received several days ago, with orders that it should be given out only when the Jones bill was presented to Congress. It contains an expression from the Resident Commissioners in which they justify their attitude in supporting the new Jones bill. This expression of sentiments follows:

"The Jones bill is the result of a long and continuous struggle and can be called a compromise measure.

"On our return from the Philippines in last December we submitted to the President and to other Democratic leaders the independence bill prepared in the islands, which provided for the approval of a constitution and the immediate relinquishment of American control after the establishment of the government created by the constitution. But all our efforts were without avail.

"Then we urged the consideration of the original bill known as the Jones bill, but the President objected to this bill on the ground that the time could not be predicted when independence could be given.

"Because of pressure of domestic matters as well as foreign affairs we found that the administration was not disposed to consider the Philippine question, and besides this there was the incessant and vigorous labor of our opponents not only to prevent consideration of an independence measure, but also any other bill giving new concessions to the Philippines.

"The situation seemed very discouraging to us, especially as we realized that if we continued to insist on a bill conceding immediate independence or fixing a date when that independence should be given our efforts would be resultless and we should not obtain any legislation during this Congress.

"Believing that it was wise and prudent to secure the greatest possible concessions before this Congress adjourned, always with the hope and plan of continuing after the step was taken, we decided to concur in a bill which would have the approval of the President and Congress and which would give almost complete self-government to the Filipinos and at the same time assure complete independence in the future.

"For this reason we began to work for a bill giving some concessions of this nature and after a series of conferences the President approved a bill of this character, which will be presented this week by Congressman JONES, which, while it may not become law this session, we have reason to believe will be passed at the next session.

"We submit these facts through you to the Filipino people in the confident hope not only that our efforts will be appreciated as more or less successful, but that we have encountered all difficulties with unshakable loyalty to our country and with the purpose of serving to the best of our abilities the interests of the Filipino people.

"We now ask the united support of the Filipino people to use it against the strong campaign of our enemies here, not forgetting that if by any circumstance this bill, the only one now obtainable, can not secure passage in this session of Congress the damage done will be so considerable that we can not predict being able to secure a similar concession from Congress later."

That indicates how satisfactory this bill is even to the Resident Commissioner himself. Mr. Chairman, I want to pause long enough to give my personal testimony to the fact that Señor QUEZON has labored in season and out during all the years he has been here, with the administration and with the American people, trying to procure the independence of the Philippine Islands. I believe that he has kept faith with his people. [Applause.]

But I know the Democratic Party has not kept faith with him, and he and his party at this time find themselves led up to the brink, dangling over, and dropped by their professed friends. I want to go on record as saying that after traveling through the islands and listening to the expressions of their sentiments, their ideals and desires expressed by those who talk on the subject, that this Jones bill will not unlikely be the political death of the Nationalist Party in the Philippine Islands.

If you do not like to take my word for it, take that of a great Democrat in the Philippine Islands. This is the statement of a man named Kelley, who says that he stood within 10 feet of President Wilson when the committee informed him that he was nominated for the Presidency of the United States, and in the course of this prepared article he says that this Jones bill, if it becomes a law, is the death shroud of Osmeña, QUEZON, and the Nacionalista Party.

Amzi B. Kelley has issued the following statement to the newspapers of Manila:

As a member of the Democratic notification committee, standing within 10 feet of the Hon. Woodrow Wilson, I heard him say: "I summon all honest men, all patriotic, all forward-looking men to my side. God helping me, I will not fail them if they will but counsel and sustain me." Now is the time for just such men to act and help one who can not possibly, without our counsel, take proper action upon the important questions affecting these islands.

To the people of the Philippine Islands, of every race, color, and creed, and every phase of political belief:

* * * * * * *

But the present "bill" does not specify a definite date, nor is there anything in its provisions, as quoted in the press, that really changes the political status of to-day or to-morrow from what it was yesterday. The statement to be in said bill, that "Independence is to be granted when a stable government is established," has been directly or indirectly proclaimed by every President of the United States since the first day of American occupation, and preached to the people by every Governor General from Taft.

But leave that date uncertain and the Jones bill will prove to be but the death shroud of the Partido Nacionalista; and on account of our scarcity of public men trained in the art of government this will be exceedingly unfortunate, for so sure as the night follows the day they will go down in defeat and a new party will come forth promising to fix the date of independence.

Mr. Chairman, I hope the prediction will not prove true. I personally believe that Osmeña, QUEZON, and their confrères are infinitely the people entitled to be the leaders of the Philippine Islands. I devoutly hope this prediction will not come true. But all of the reasons for bringing it about are found in the bill and in the shameless abandonment by the Democratic Party of the criticisms which they have leveled on the Republican policy during a period of 14 years.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

Mr. MILLER. I would like to yield, but I have only three or four minutes left.

Mr. TOWNER. I will yield the gentleman five minutes more, if he desires.

Mr. MILLER. Very well.

Mr. SHERLEY. Mr. Chairman, I did not hear the first part of the gentleman's speech; but aside from depicting what are the opinions of the Filipinos, is his criticism of the bill the fact that it does not fix a definite date at which Philippine independence shall be granted?

Mr. MILLER. If the gentleman means would I prefer a bill that would fix a definite date, I can not at this time answer him as he desires. I may say, without expressing any opinion of my own, that the bill, unless it does fix a date, unless it does say something about independence proper, is not a fulfillment of the Democratic platform or of the expressions of the Democratic Party.

Mr. SHERLEY. I heard the gentleman's statement about what he considered our fulfillment of our promise. What I am trying to arrive at is what the gentleman's position is as to what should be done with the Philippines? Does the gentleman's party or does the gentleman favor the granting of independence at a fixed date?

Mr. MILLER. Manifestly at the expiration of my time I could not take up an answer to that question. [Laughter on the Democratic side.] I will answer it in due time, if the gentleman desires, before the hearing of this bill is concluded.

Mr. Chairman, the statement of the majority to support the bill I have read with amazement. It contains the shadow of substance, but the substance is not there. It contains more misinformation on the Philippine Islands than I have ever seen compressed within the same space anywhere else.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. TOWNER. Mr. Chairman, I yield the gentleman five minutes more.

Mr. MILLER. Mr. Chairman, I am not going to take occasion at this time to point out all of these things, but I may do something with it later on, and as illustrative of the whole, I want to read this. The gentleman from Virginia [Mr. JONES], with great unction, glibly let fall from his lips on Saturday the statement that clergy of the Philippine Islands desired the passage of this bill. They desire it just as much as the Philippine Islands do, and not a bit more, which is not at all. However, he quotes this in his statement:

The Philippine clergy, which does not concern itself in local and transitory political contests, but is interested only in the stability of public institutions, favors urgent approval of the Jones bill.

The gentleman in his statement says that is a cablegram to the Resident Commissioner, Mr. QUEZON. He does not say who it is from. It is signed by no one. He does not say who sent it or who signed it, and he does not say what clergy. Is it the Catholic clergy or the Protestant clergy? Is it the expression of a convocation of clergy or the private expression of an individual? Inasmuch as the gentleman either having the information did not see fit to give it to the House, or not having it could not do so, I will give it to the House. There was a meeting of clergymen in the city of Manila. They were not called to consider the bill, but incidentally some discussion of it arose, and in an account of what took place there the public press reported that the clergy while deprecating the legislation at all, yet it being apparently the program of this administration to enact Philippine legislation, in view of the protest of the Filipino people over the bill, in view of the almost riotous conduct of the mobs in Manila when they were considering it, in view of the stagnation of business on account of its apprehension, in view of the chaos that exists in the islands now and has for months, they said, "If you are going to inflict the punishment, do it now and end the suspense." That is the extent to which the clergy favor the Jones bill. [Laughter on the Republican side.]

If the gentleman desires a direct expression, I will leave the gentleman and leave the gentlemen of the committee to the interview of Archbishop Harty, given in Hongkong at the time he made his recent trip to the United States and published in the press. The gentleman will find there how far the head of the Catholic clergy in the islands is willing to indorse the Jones bill or any other bill anywhere nearly like it. If, however, it might be inquired about the Protestant clergy, I have a great variety of material that gentlemen might be interested in. However, I shall confine my statement to one, that of Bishop Oldham, of the Methodist missions in the Philippine Islands. Here is what he said very recently:

It is on behalf of the masses of the plain people, who have not yet come to intelligence and a clear understanding of what a republic means, that the real friends of the Philippines urge a less hasty program than that which is now promised.

To leave the Philippines to become the prey of designing leaders, the theater of such exhibitions as that which Mexico is now affording, is surely not the altruistic program to which we were so manifestly called when Dewey entered Manila Bay.

I have nothing but deep respect for the present national leaders of America who propose the program of immediate independence, but if time be given for a closer investigation of all the facts, I am very certain that I have spoken the deeper truth of matters that are not on the surface, and an investigation of this will give Congress pause.

Let us wait until two more generations have been through the public schools, till the mass of the farmers and plain people of the smaller villages have learned the real meaning of a republic.

It is important, however, that the American people should not be misled into thinking that this cry for independence carries with it any promise of what we are accustomed to mean by a democratic form of government. If our intention, after these 15 splendid years of trusteeship, is to hand over to the exploitation of their racial leaders the masses of the plain people of the Philippines, then there is no reason to withhold the early granting of entire autonomy.

Mr. Chairman, I recognize that the limitations of the hour have made it necessary that I should express in a fragmentary way only many of the vital things that we ought to take into account in the consideration of a bill of this kind.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. TOWNER. Mr. Chairman, I yield the gentleman two minutes more.

Mr. MILLER. Mr. Chairman, when the Declaration of Independence was framed there was written into form and given to the humanity of the world the doctrine of individual liberty and self-government. That was the American contribution in concrete form to the constitutional rights of the peoples of the world. When we hoisted our flag in the distant Orient in the Philippine Islands we gave to the world a new idea in colonial government. Colonial schemes have been used by many nations for their own enrichment and aggrandizement. The whole history of our 14 years in the Philippines has been dedicated to but one thing, the welfare of the Filipino people. [Applause.] There has been no selfish motive; there has been no hope of bettering and aiding the American people or the American Nation. We have been endeavoring to give to a people that knew it not real liberty, real learning, consciousness of the responsibility of government, and an opportunity to develop capacity for self-government. We have achieved with greater success within those 14 years than we dared to hope. Much of the criticism that has been urged against our policy by foreign Governments is because they can not understand how the American policy has been one of such complete altruism. The American flag has meant, and means to-day, education, prosperity, peace, happiness, and he who would speak of it otherwise knows not the lesson of the last generation. My personal opinion is, after having traveled through the islands from one end to the other, visiting every Province and every tribe, that while there are some splendid, well-educated, and intelligent people who are as capable of self-government as you or I, of whom Señor QUEZON is one, 85 per cent of the inhabitants of the Philippine Islands do not now have an adequate idea of what self-government is, its duties and responsibilities, or what independence really consists of. [Loud applause on the Republican side.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. JONES. Mr. Chairman, I yield five minutes to the gentleman from the Philippines [Mr. QUEZON]. [Applause.]

[Mr. QUEZON addressed the committee. See Appendix.]

Mr. JONES. Does the gentleman from Iowa [Mr. TOWNER] care to use some time now?

Mr. TOWNER. Will the gentleman use some of his time? I can arrange to use some time pretty soon, I think.

Mr. JONES. Mr. Chairman, I yield 15 minutes to the gentleman from Pennsylvania [Mr. BAILEY].

Mr. BAILEY. Mr. Chairman, in dealing with a question such as the one we now have under consideration and which we are about to dispose of, I like to turn to one of the greatest democrats of any period and seek in his utterances some inspiration for my own thoughts. And so, when it was learned that some opportunity might be offered me to participate in the debate on this bill, my hand stretched out for a little volume which is kept within easy reach, and by a happy chance—or was it chance?—it opened upon this passage from a speech by Abraham Lincoln at Chicago on the 1st day of March, 1859:

I do not wish to be misunderstood upon this subject of slavery in this country. I suppose it may long exist, and perhaps the best way for it to come to an end peaceably is for it to exist for a length of time. But I say the spread and strengthening and perpetuation of it is an entirely different proposition. There we should in every way resist it as a wrong, treating it as a wrong, with the fixed idea that it must and will come to an end.

Abraham Lincoln was talking of a chattel slavery which then threw its dark shadow across the land and limited the vision of thousands and even millions of honest and patriotic Americans, as imperialism has limited and still limits the vision of so many in our own time. To-day we are talking of another sort of slavery. And about this I do not wish to be misunderstood. I suppose it may long exist, and perhaps the best way for it to come to an end peaceably is for it to exist for a length of time. But I say that the spread and strengthening and perpetuation of it is an entirely different proposition, and that there we should in every way resist it as a wrong, treating it as a wrong, with the fixed idea that it must and will come to an end.

In the Democratic platform of 1900 I find the following declaration, one which still rings true, breathing the very spirit of Thomas Jefferson and of Abraham Lincoln:

We assert that no nation can long endure half republic and half empire; and we warn the American people that imperialism abroad will lead quickly and inevitably to despotism at home. * * * We are in favor of extending the Republic's influence among the nations, but believe that that influence should be extended not by force and violence, but through the persuasive power of a high and honorable example.

And in our platform of 1904—aye, even in that—we took high ground by declaring that—

We oppose, as fervently as did George Washington himself, as indefinite, irresponsible, discretionary, and vague absolutism and a policy of colonial exploitation, no matter where or by whom invoked or exercised.

Four years later we were still true to the faith, still committed to the earlier gospel of Democracy, still with faces set toward the light in spite of those sitting in darkness, for in the great platform adopted at that wonderful convention in Denver we issued this proclamation:

We condemn the experiment in imperialism as an inexcusable blunder which has involved us in enormous expenses, brought weakness instead of strength, and laid our Nation open to the charge of abandoning a fundamental doctrine of self-government. We favor an immediate declaration of the Nation's purpose to recognize the independence of the Philippines as soon as a stable government can be established, such independence to be guaranteed by us as we guarantee the independence of Cuba, until the neutralization of the islands can be secured by treaty with other powers.

Nor does this complete the record. At Baltimore, as at Denver, at St. Louis, and at Kansas City, the Democracy of the Nation spoke out against a strange graft upon the free institutions of this favored land. In precisely the language of the platform of 1908 the platform of 1912 reaffirmed the position thrice announced against a policy of imperialism and colonial exploitation in the Philippine Islands or elsewhere. And never did the Democratic Party endear itself to my heart more than it did when it took and held this lofty ground, this ground of the Declaration of Independence, this ground of the golden rule, this ground of fundamental democracy.

For what is imperialism but an utter denial of all that the great Declaration implies, the golden rule embodies, and fundamental democracy inculcates? It is as foreign to all these as slavery was or as a king would be to the free atmosphere of the White House. It never had a moral sanction. It was compounded of greed and of an unholy lust for power. In no sane moment of the Republic could its foundations have been laid in conquest and carried out through duplicity and bad faith.

Mr. Chairman, the time is not at my disposal for an exhaustive discussion of our adventure in imperialism; nor if time were allotted me would my abilities equal the task. Others shall speak where my voice fails. Others shall tell the story better and more clearly than I could hope to do, for there are men in this House who, since the beginning of this sordid and bloody adventure, have fought to preserve the Republic by fighting to overthrow the forces of imperialism, those sappers and miners of our day who were and are weakening the very foundations of free government. And in this connection I can not forbear an especial reference to the distinguished author of the bill now before the House, the able, the consistent, the courageous, and the faithful gentleman from Virginia [Mr. JONES]. [Applause.] Ever since the beginning of this mad adventure this loyal soul has battled, sometimes almost alone, to check its progress. At every turn he has challenged it. On every field he has met it with the weapons of fundamental democracy. In every emergency he has borne himself with rare fidelity and still rarer poise. And here at last he is about to see the fruitage of all his patient endeavor.

Mr. KELLEY of Michigan. Is it the gentleman's notion that independence should have been given the Filipinos 14 years ago?

Mr. BAILEY. Independence you can not give. It inheres as a natural right. It was stolen from them.

Mr. KELLEY of Michigan. Why do you not do it now, then?

Mr. BAILEY. I would if I could.

Mr. KELLEY of Michigan. You have the votes over here with which to do anything you want.

Mr. BAILEY. As I was saying when interrupted, Mr. Chairman, the gentleman from Virginia is to see the fruitage of his patient endeavor in the adoption of this measure. It is perhaps not his highest thought on the subject of the Philippines. It is perhaps less than he had hoped to write into the laws of the land. But I am sure that his aspiration is written into the preamble and that if it were not for that and for the assurance its

adoption will give he would feel, as he should feel, that the word of promise had been kept to the lip and broken to the hope.

For, after all, Philippine independence is not carried in this bill. Only a larger self-government for the islands is the message it carries as far as actual legislation goes. But more than the legislation is the pledge which precedes it, for the preamble is the really vital thing. All the rest is of transitory significance.

Mr. MADDEN. Will the gentleman yield for a question?

The CHAIRMAN. Will the gentleman from Pennsylvania yield to the gentleman from Illinois?

Mr. BAILEY. I will.

Mr. MADDEN. I would like to ask the gentleman, for information, whether he thinks the preamble has anything to do with the law?

Mr. BAILEY. As a mere legal proposition, I think not. I do not think the Declaration of Independence was anything more than a preamble to the Constitution. I think the Declaration of Independence got there, however, with both feet.

Mr. SLAYDEN. Will the gentleman permit me a question?

Mr. BAILEY. I will.

Mr. SLAYDEN. Does not the gentleman think it desirable, where so many people seem to question the fundamentals of our Government, to assert those principles now?

Mr. BAILEY. Most emphatically. But to return to what I was saying a moment ago. The preamble to this measure is the really vital matter. Yet the rest is big with promise of better things for the people of the Philippines. It turns over to the Filipinos practically complete control of their own affairs. They are still bound to us by ties which should sit lightly upon them and which may prove helpful in working out the problems of self-government preparatory to that independence, title to which is theirs by divine right.

It is not my purpose here, Mr. Chairman, to attempt an analysis of the bill. That task has already been performed by its talented and most distinguished author; and no doubt others who shall follow me will elaborate its details and throw into relief its various provisions. Let me content myself with saying that in a most substantial manner it keeps faith with the country and with the Filipinos. It appeals to the people of the archipelago as it should appeal to the people of the United States. It is instinct with the spirit of our own institutions. It breathes the very breath of our Bill of Rights. It embodies the vital things which are so very dear to our hearts. In practically every aspect except that involving international relations the Filipinos are to be as free and as self-governing as though their sovereignty were absolute.

Of only one particular phase of the measure do I care to speak at this time. I refer to that provision which continues the trade relations now subsisting between the islands and the United States. It is a relation of free trade, and with all my heart I wish that this relation might never be broken. It is the one relation between the Philippines and the United States that has been beneficial to both. It has been as salutary for the people of the islands as it has for those in our own country. And I am bound, in this connection, to pay a tribute to William Howard Taft for the great part he played in breaking down the superstition, the prejudice, and the barriers of ignoble self-interest which so long denied free exchange of products between the two peoples—between the conquered and the conquerors. Had Mr. Taft during his long service as governor and later as President of the United States performed no other meritorious act, this alone would fairly entitle him to the plaudits of all enlightened men and to the especial gratitude of the Filipino people.

I wish I might here set forth the full story of free trade between the archipelago and the United States. It is a story which gives the lie to every claim of the trade killers who choose to call themselves protectionists, and who "protect" industry by putting it in a strait-jacket, by placing shackles upon its feet, or by choking it to the very death. The response of trade to the open door which a repeal of the tariffs offered was scarcely less than marvelous. Instantly the flow of traffic increased in volume. From practically nothing it swelled to relatively astounding proportions, and now that the Filipino people are to be bound to us by a friendlier tie we shall expect the volume steadily to increase and the benefits to them and to us to become more and more diffused.

And now I return to the first thought when this subject was taken up, the thought that this bill does not go as far as some of us have felt that it should go. I do not wish to be misunderstood upon this business of imperialism. I suppose it may long exist, as Lincoln supposed slavery must when he was speaking in 1859; and perhaps the best way for it to come to an end peaceably, as Lincoln said of chattelism, is for it to exist for a length of time. But I say of imperialism and colonial exploitation, as the great Lincoln said of the evil which he was facing, that the spread and strengthening and perpetuation of it is an entirely different proposition.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. JONES. Mr. Chairman, I yield one minute more to the gentleman.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for one minute more.

Mr. BAILEY. Let me repeat. The spread and strengthening and perpetuation of imperialism is a different proposition. There we should in every way resist it as a wrong, treating it as a wrong, with the fixed idea that it must and will come to an end; and that is the fixed idea of this bill. It offers a guaranty against the spread, the strengthening, and the perpetuation of the imperialistic propaganda. We are here resisting it as a wrong, treating it as a wrong, and proceeding with the fixed idea that it must and will come to an end.

And I pray God with all my heart and with all my strength and with all the faith of one who believes that "ever the right comes uppermost and ever is justice done" that imperialism may reach its end as speedily as chattel slavery reached its end after Lincoln spoke the living words which I have dared to take as my text and my inspiration. [Applause on the Democratic side.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. MOON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Carr, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 11745) to provide for certificate of title to homestead entry by a female American citizen who has intermarried with an alien.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to return to the House of Representatives the bill (S. 4517) entitled "An act to establish a standard box for apples, and for other purposes."

The message also announced that the Senate had passed with an amendment the bill (H. R. 14233) to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes.

THE PHILIPPINE ISLANDS.

The committee resumed its session.

Mr. YOUNG of North Dakota. Mr. Chairman, this is a most important bill, and there are only a score of Members here. I think we ought to have a quorum in the consideration of this bill. I make the point that there is no quorum present.

The CHAIRMAN. The point of no quorum is made. The Chair will count. [After counting.] Forty-two Members are present—not a quorum.

Mr. RAKER. Mr. Chairman, would tellers take a little more time and get a quorum here?

Mr. MADDEN. The Chair has already announced that there is no quorum present.

Mr. SHERLEY. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from Kentucky [Mr. SHERLEY] moves that the committee do now rise. The question is on agreeing to that motion.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. SHERLEY. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 10, noes 33.

Mr. JONES. Tellers, Mr. Chairman.

The CHAIRMAN. The gentleman from Virginia demands tellers.

Tellers were ordered, and the Chair appointed Mr. JONES and Mr. YOUNG of North Dakota to act as tellers.

The committee again divided; and the tellers reported—ayes 4, noes 45.

The CHAIRMAN. On this vote the ayes are 4 and the noes are 45—not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Aiken	Bartlett	Calder	Casey
Allen	Bell, Cal.	Callaway	Chandler, N. Y.
Ansberry	Brown, N. Y.	Candler, Miss.	Clancy
Anthony	Browning	Cantor	Clark, Fla.
Austin	Bruckner	Caraway	Connolly, Iowa
Barchfeld	Burke, Pa.	Carew	Conry
Barkley	Burke, Wis.	Carr	Copley
Bartholdt	Byrnes, S. C.	Carter	Covington

Dale	Harris	Loft	Rucker
Davenport	Hayden	McClellan	Rupley
Difenderfer	Hayes	McKellar	Russell
Dooling	Helvering	Maher	Saunders
Doughton	Henry	Manahan	Scully
Driscoll	Hensley	Martin	Sells
Drukker	Hobson	Merritt	Shreve
Eagan	Howard	Metz	Sinnott
Elder	Hoxworth	Mondell	Slemp
Estopinal	Humphreys, Miss.	Montague	Small
Evans	Johnson, S. C.	Morin	Smith, Md.
Fairchild	Johnson, Utah	Mott	Smith, Minn.
Faison	Keister	Murdock	Smith, N. Y.
Farr	Kennedy, Conn.	Murray, Okla.	Stedman
Fitzgerald	Kent	Neeley, Kans.	Stevens, N. H.
Floyd, Ark.	Kiess, Pa.	Nelson	Stringer
Francis	Kindel	O'Brien	Sumners
Gardner	Kinkead, N. J.	Oglesby	Talbott, Md.
Garner	Kitchin	O'Leary	Taylor, N. Y.
George	Knowland, J. R.	O'Shaunessy	Ten Eyck
Glass	Konop	Palmer	Townsend
Godwin, N. C.	Korbly	Parker	Underhill
Goldfogle	Kreider	Patten, N. Y.	Vare
Goodwin, Ark.	Langham	Patton, Pa.	Wallin
Goulden	Lee, Ga.	Platt	Walsh
Graham, Pa.	L'Engle	Porter	Watkins
Gregg	Lesher	Powers	Willis
Griest	Lever	Ragsdale	Wilson, Fla.
Griffin	Levy	Rainey	Wilson, N. Y.
Guernsey	Lewis, Md.	Reed	Winslow
Hamill	Lewis, Pa.	Reilly, Conn.	Witherspoon
Hamilton, N. Y.	Lindquist	Riordan	Woodruff
Hammond	Lloyd	Rothermel	Woods

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. FLOOD of Virginia, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill (H. R. 18459) to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands, and finding itself without a quorum, he had caused the roll to be called, whereupon 268 Members had answered to their names, and he presented a list of the absentees for publication in the RECORD and in the Journal.

The SPEAKER. The committee will resume its session.

The committee resumed its session.

Mr. TOWNER rose.

The CHAIRMAN. The gentleman from Iowa [Mr. TOWNER] is recognized.

Mr. TOWNER. Mr. Chairman, I yield 20 minutes to the gentleman from Ohio [Mr. FESS]. [Applause.]

Mr. FESS. Mr. Chairman, what we do here about the Philippines at this time ought, I think, to be determined by the effect it will have upon the Filipino. Most of us, as American citizens, would think that in most matters we ought to keep our own interest as a Nation in mind also, but I think on this question everybody is agreed that the solution of the Philippine problem for this Nation is from the standpoint of the Filipino himself, and not so much from the standpoint of our own citizenship, except in the performance of a duty that must be respected.

The discussion upon this question has taken two angles—a political angle and a political-science angle. The question has been discussed from the standpoint of what ought to be done because of proclamations by political parties, and also from the standpoint of what we would call equal rights or equal opportunity in the rivalry of life for all citizens in the nations that are at interest. In the first place, I do not believe that we ought to discuss it from the standpoint of partisan politics, and yet it seems to be forced to that issue. Every time anyone has spoken in favor of the bill it has been urged that the party represented here in power had committed itself. It did it in 1900, and again in 1904, and again in 1908, and again in 1912, and it seems that the desire of the majority is to fulfill that promise, made in the heat of a political campaign.

Now, I take issue with my Democratic friends upon that proposition. What we do for the Philippines, I say, is not to be determined by the effect it will have upon any political party or any faction in any political party, but rather by the effect it will have upon the peoples whose interests are at stake from the standpoint of cosmopolitan philanthrophy, fulfilling the duty of a great Nation to a people that demands our attention. I think that we reduce the discussion of this question far below the stage that is demanded when we discuss it upon the plane of partisan politics. Permanent welfare of a people is one thing; partisan advantage is another thing.

From the standpoint of political science as presented in committee in our consideration of the question there we were told that there was no use of having any hearings upon this bill because it is a question of political science, and we could not change the principles of political science by hearing men giving facts relative to this particular bill. I at that time raised the question of the necessity of having all the information we could secure. I take issue with the gentlemen who thus spoke upon that question, persisting in the waste of time in gathering facts relative to the need of the Filipino. It is not so much a question of the naked principles of political science as it is a question of the application of the principles of political science to a people in that far-away island country. We may study the principles of political science as outlined by writers upon the subject, but those principles will be mere abstractions unless we can see them embodied in practice where governments built upon those principles are in operation.

We can not separate our knowledge of those principles from the practical working of them. What this body must do is to satisfy itself that the political principles here proposed can be applied in the country in mind. Our chief concern here is the application of the principles of political science. That must depend upon the facts about the country touching upon the preparation of the people for self-government.

These facts could have been gathered by the committee from persons within our midst, experts on the Philippine situation; but the committee declined our urgency, denied our requests, and proceeded to consider the bill upon the basis that we had no need of further knowledge, because it is a question of political science. And when we speak of political science, as it was interpreted by the member of the committee, he takes the position that we have no right to continue our system of protectorate or occupation of the Philippines, because our duty, he says, is to give them absolute self-government, political autonomy, just as soon as it is possible to do so, without saying what he means by the phrase "as soon as it is possible for us to do so." What is the significance of the word "autonomy"? When we talk about self-government we always think of our own Government and judge all others by that standard. We think of a country where there is universal education, where almost every State of the Union, if not every State, has compulsory education, where most of the States have a minimum limit of time to be spent in school in the course of a year. My own State fixes a limit of seven months, and some of the States have an even higher minimum.

We speak of local self-government with the view that here is a country in which the people have been trained in the principles of local self-government through the famous town meeting of New England and the township and county governments of all the States. We do not stop to think that a government of universal education that rests its destiny upon the intelligence of the citizen by opening its schools to all alike, rich and poor, white and black, or it ought at least so to do, can not be used as a fair example for all countries of vastly different conditions. It does not mean that we can extend the same form to a country where 85 per cent of the population, according to the statement of a man who knows, can neither read nor write. Local self-government, I repeat, depends upon the intelligence of the participants. It works well if properly directed by a responsible head. With our Nation in control in the islands self-government is possible in the municipalities. Something like 725 towns have a modern commission government now. The beneficial effect of a government of the type of ours must depend upon the ability of the participant to know what it is best to do and how to do it. When you speak of giving local self-government without any supervising authority to a population 85 per cent of which can neither read nor write, you have the same problem that now confronts Mexico. Most of you pity war-torn Mexico. How many of you will vote to forestall a duplication in the Philippines? You talk about constitutional government in the Republic south of us, and yet there is not one of you who does not know that Mexico has never experienced a constitutional government. Out of the 15,000,000 people there not over 100,000 voters participate in the election. Not one in one hundred knows or cares for the ballot. Government there becomes a bone to be fought over by factions, like hungry beasts. Think of the small per cent who have any knowledge of the duties of citizenship if called upon to participate in the Government, and yet you agree that the effectiveness of a republican form depends upon the intelligence and interest of the voter. You demand by this bill that this country, now making the most marvelous progress in the development of this island people of any people in the world, shall withdraw, and let a people 85 per cent of whom can neither read nor write substitute a local government for the government that the United States is conducting. I do not think this is wise. I should not say that this bill asks immediate withdrawal, but I do say that if it is presented, as the majority profess to keep a platform pledge, then it means immediate withdrawal, for that is the ruling plank on this question in prior campaigns. The bill permits immediate withdrawal, if it does not command it. It says as soon as a stable government is established. Let me ask you

on the Democratic side of the House. What prevents your interpreting that bill for immediate action by this majority, declaring that there is now a stable government in the Philippines? That, I fear, is the purpose of the bill, and I do not think it wise; I think it very unwise.

Mr. GORDON. Will the gentleman yield?

Mr. FESS. I think I will have to yield.

Mr. GORDON. I simply want to ask you if you are sure about your figures when you say that 85 per cent of those people are unable to read or write?

Mr. FESS. I take that from the statement of the gentleman from Minnesota [Mr. MILLER], who, when asked about it, confirms the statement.

Mr. GORDON. I will say to you that you are mistaken. The literacy in the Philippines is higher than it is in any country south of the United States.

Mr. KELLEY of Michigan. It is as good as it is in Mexico, is it?

Mr. FESS. My colleague is capable of any sort of a statement, without regard to whether it is true or not, and therefore I shall not enter into a controversy longer with him. I can not allow anybody to interrupt me who has absolutely no regard for what he says. [Applause on the Republican side.] If we in this House insist that we ought to give every individual a right to participate in government, then I think some of our friends on the Democratic side of the Chamber are in somewhat of an embarrassing situation, and I think I appreciate the problem that confronts them.

I have looked over the census of my country. I find that about 30,000,000 people are in what would be called the "black belt." Out of that 30,000,000, 34 per cent are colored; that is, nearly 9,000,000 are negroes, citizens of this country, declared so by the fourteenth amendment of the United States Constitution.

In Mississippi 56 per cent—much over half—are colored. In South Carolina 55 per cent are negroes; in Georgia, 43 per cent; in Alabama, 42½ per cent. What do we observe in these States? In Alabama one clause of the constitution declares all men equally free and independent, and so forth—"all political power is inherent in the people and government exists for their benefit." Then, in another clause, by what should be called the "grandfather clause," it effectually denies the right of participation in government to the colored man.

Take the State of Florida, with 204,000 men of voting age; nearly half of them are of the black race. That means that out of the 204,000, over 102,000 have the right to participate in the government so far as the rights of electors are concerned. But when you take the actual vote as cast in an actual election, there is not as large a vote in the whole State by at least one-half as will be cast in my district in November. And yet when you discuss the Philippine problem you clamor for their participation in government, but deny the same right to American citizens. You stand on this floor and argue that we are guilty of a great wrong because we prefer not to give to this people, 85 per cent of whom are illiterate, located in an island country 8,000 miles away from us, their protectors, the freedom to launch their own government without any sort of supervision by us. And yet you who speak for Philippine freedom have the problem upon your own hands of practicing what you preach. How do you solve the problem of participation in government? You disobey the law. I would not say anything unkind, but I must declare the facts as they are to you who demand these rights for the Filipinos. You ignore the law. The fourteenth amendment declares when the right to vote in any State is denied to any male citizen 21 years of age, the basis of representation in Congress in that State shall be reduced in the proportion that those thus denied hold to the entire voting population in the State.

States have denied this right. Representation has not been reduced. The fifteenth amendment forbids denial of right to vote to any citizen because of race or color; yet the States have found ways to effectually evade the very spirit and purpose of this part of the organic law of the land. The clamor for Philippine independence upon the ground that we are denying them their liberty of governmental participation can certainly find no justification by the Members who persistently deny the same sort of rights to American citizens.

Mr. COX. Will the gentleman yield again?

Mr. FESS. I will.

Mr. COX. Can the gentleman inform the Committee of the Whole what per cent of the people living in the American Colonies in 1776 were illiterate?

Mr. FESS. The only thing I can say to my friend is this, and it is the best possible test that can be deduced: Eleven years after the date you mention we held the Constitutional Convention, in which 56 members sat. They were elected by the people of the States, and therefore must fairly represent the people. Out of those 56, 29 were college bred.

Mr. COX. Going back, then, to the adoption of the Constitution of the United States, can the gentleman inform the committee what per cent of the total population of the country were regarded then as illiterates?

Mr. FESS. A very small number in comparison with what it would be in Europe at that time, since those who left Europe were among the most intelligent.

Mr. COX. Has the gentleman any figures on that?

Mr. FESS. I have no figures here. I have given the gentleman the best test that I know of. A representative body in 1787, to draw up a constructive form of government, had more college-bred men in it than members who were not college bred. That is the best example I can give, and it ought to be sufficient.

Mr. COX. I am trying to get concrete facts, if I can. The gentleman says the Filipinos are illiterate, and therefore ought not to be armed with the ballot or have any voice in the government, and I am trying to get the gentleman to give to the committee a statement of how much illiteracy there was in this country when we adopted our present form of government. I did not say anything about college graduates.

Mr. FESS. We were a picked people, coming from the best sources in Europe.

Mr. TRIBBLE. Different races.

Mr. FESS. Different races; at least four different elements entering into our composite make-up. In New York were the Dutch, who came from Holland and brought with them the traits of character still found in parts of the State. To Pennsylvania came the Quakers and the Moravians and the Germans, as well as the Scotch-Irish later. Traits of all these can still be detected in the State. To Maryland came the English Catholics with Lord Baltimore; and to the Carolinas came the French Huguenots, with their passion for religious freedom. To New Jersey came the Scotch Covenanters, with their strong Presbyterian bias. These people gave us Princeton. To Delaware came the Swedes; and to Massachusetts and New England the Puritans, which have stamped a distinctive character upon that people. These people gave us Harvard. To Rhode Island came the liberty-loving Baptists, led by Roger Williams. Down into Virginia came the famous Cavaliers. Into Georgia came the men who were running away from persecution because of imprisonment for debt, the persecuted poor, and with these came the Wesleys for a time, and the Methodists. We had a composite people, made up from the picked people of Europe, and the best class of men and women to form a local self-government that ever has been known from that time to the present. [Applause.] I am saying this in reply to my friend from Indiana [Mr. Cox], to indicate the high character of our early settlers, and also to indicate that the men on the Democratic side of this House who insist that we are un-American in our Philippine policy, and that we are trying to perpetuate a system we can not indorse, are in an inconsistent and embarrassing situation when they make the charge, for there are 9,000,000 American citizens south of the Ohio River who have very little participation in the Government. Yet, recognizing that fact—even openly admitting it—you say that we are un-American when we do not give the Filipino his independence and full control of his own country. That is said at a time when our Government exercises prerogatives in the islands solely for his sake and not ours. I want to say that whatever may be said, whatever should be our position, these friends from the cotton belt are not in a position to charge the Republican side of this House, for men who live in glass houses should not throw stones. [Applause on the Republican side.]

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. FESS. I will.

Mr. GARRETT of Tennessee. I want to inquire if the constitution of the gentleman's State still retains in it the word "white" as regards qualification for voters?

Mr. FESS. It still retains the word "white," but it does not have any effect. [Laughter on the Democratic side.] It does not mean anything. It is not a qualification for a voter. Colored men vote in our State just the same as white.

Mr. GARRETT of Tennessee. Was not two years ago a proposition voted down in that State to eliminate the word "white" from the constitution?

Mr. FESS. It was voted down, with the voting down of woman suffrage and the fastening of the liquor question on our State; all three went together. People who opposed woman suffrage refused to cut the word "white" out of the constitution. I am not proud of that.

Mr. MADDEN. Will the gentleman yield?

Mr. FESS. Yes.

Mr. MADDEN. Notwithstanding the use of the word "white" in the constitution of the gentleman's State, every man who is entitled to citizenship has a right to vote, whether black or white?

Mr. FESS. Certainly; and he does vote.

My friend from Kentucky [Mr. HELM] spoke of this question Saturday and quoted Thomas Jefferson. He said that he believed still in the principles of Jefferson, which was life, liberty, and the pursuit of happiness, as expressed in the Declaration of Independence. The gentleman did not use those words, but that is the substance. He quoted in affirmation of this bill Thomas Jefferson. I do not care so much about what Thomas Jefferson has said, except to know what his words meant to him, and that we can find out by noting what he did. I regard Thomas Jefferson as one of the greatest men America has ever produced. I put him in the class with the great men of his time. I have always stood up in the classroom and on the platform and asserted that this country, while it needed a Thomas Jefferson as representing liberty in government, it had also to link with him Alexander Hamilton, as representing power in government. [Applause on the Republican side.]

The country has need of both. Each is an essential pillar of the Government. If you lose the one, you weaken both, and for that reason I have regarded Thomas Jefferson as a very important figure in the Nation. And I will not allow any bitter partisanship to deny me the right to speak on this floor, or anywhere, in eulogy of the author of the Declaration of Independence, for he is one of our greatest figures in American history. But I also assert without the powerful influence of Hamilton the country would have suffered. [Applause.]

It was Thomas Jefferson who was resorted to in the confirmation of our duty to pass this bill. Let us see what Thomas Jefferson did on matters of governing territories, involving the questions now before us. He was inaugurated on the 4th of March, 1801. The greatest act of his life was the purchase of Louisiana—greater than the Declaration of Independence, for that would have been written anyway; somebody would have written it, probably not so well as Jefferson; but the principles were in the mind of these people, and it would have found expression. But I will tell you a thing that might not have been done, and that is, when Thomas Jefferson wanted to expand the boundaries of this Nation from the Mississippi to the Rocky Mountains he undertook a task that might easily have been omitted had it not been for his insistence. As you will remember, he called three of the great statesmen of this country, and especially one—Albert Gallatin, the famous Swiss, the great financier—and he said to Gallatin: "How can we purchase Louisiana?" Gallatin replied, in substance: "You have no constitutional right to purchase except as the end justifies the means—just purchase it." Jefferson was anxious to prevent England from seizing it in the war that was then raging between France and England. But Jefferson said: "We can not read our right in the Constitution," and then suggested an amendment to the Constitution so that the purchase might be made. But Gallatin said: "If you undertake to do that, France will have been defeated on the seas by England, and France will have lost Louisiana to England before two years are up." Then Jefferson said to Gallatin: "Let us proceed to buy it and submit it to the people to be ratified." But the wise old head, Gallatin, said: "Do not proceed to do a thing on the ground that the people will ratify what you have not a right to do; it will be like them to turn against you." When Jefferson asked, "What can we do?" Gallatin replied, "Proceed to buy it." Jefferson bought it, and said in a letter, "I stretched the Constitution until it almost cracked."

But he did it, and the statesmanship of Jefferson is seen in his ability to rise above petty consistency and do the thing that ought to be done, though he said he could not do it under his political theory of expressed powers. That is his statesmanship. Now, this was done, and Louisiana was ours. We paid but $15,000,000 for it. It was on our hands. It was peopled by Indians and by emigrants that had gone from the older States east of the Mississippi. They had to inaugurate a government. Who was President? Thomas Jefferson, the man whom you quote. Who ordered the Government? Jefferson. When was the Government established? In 1804 there was established its first territorial government. And what was it? Why, a governor appointed by Thomas Jefferson, and 13 commissioners appointed by Mr. Jefferson, the 14 constituting the legislative body of that territory. Were they elected? No; they were appointed. And by whom? By Thomas Jefferson, the man you are quoting for local self-government in confirmation of your position on this bill. These 14 presidential appointees form the legislative body. They made the laws which stood unless rejected by Congress. The governor had the power to convene and prorogue the legislative body. This was under Jefferson, whom you are quoting on independence. Here is a case where Jefferson proceeded in the only rational and legitimate way.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes.

Mr. BORLAND. How long did that temporary form of government for Louisiana last?

Mr. FESS. From 1804 until 1805, and in 1805 the legislative body was reduced from 14 to 4, and that lasted until 1812.

Mr. BORLAND. And in 1811 Missouri, one portion of that territory, was given an elective legislature, and in 1821 she was made a State.

Mr. FESS. The Louisiana Purchase agreement of 1803 had in it one clause giving to the State the right to admission without any enabling act being passed, and she came into the Union in 1812, but the Territory of Louisiana was organized first in 1804, and then in 1805 was governed by four commissioners, and everything that was done in the way of legislation was done by those four commissioners, and it would stand unless Congress repudiated it.

Mr. BORLAND. And that lasted only eight years?

Mr. FESS. That is all right. It lasted but eight years, but the people were our own people, who spoke our own language, who had our system of schools, recognized our institutions, our laws, our customs, and were ready for our Government in eight years. The same thing had taken place in the Northwestern Territory, out of which my State came. The same rule applied to your State. In 1821 you were admitted after a struggle. You wanted to be and we wanted you to be admitted, but that is a different proposition from a people 8,000 miles away, 85 per cent of whom are unable to read or write, of different customs, language, government, and traits of racial distinctions. That was a problem that is not like this one. I am calling the attention of the Democratic side to the inconsistency of their quoting Thomas Jefferson in confirmation of their view on this bill. That is all I have mentioned this for; otherwise, I would not have mentioned it at all. What we do to the Philippines will be determined by what is best for the Filipinos. I have listened with as much interest as any man on this floor to the distinguished chairman of this committee for whom I have such respect. I think his presentation was a masterful one from the standpoint of what the bill intends to do, and from his contention of what we ought to do; but, my friends, he made statements that I think any of us will agree to, and yet, agreeing to them does not mean that we must adopt this bill or favor it. Think of what the Philippine problem is, and how it came to be. I remember probably as well as anyone here how it came about. I was a professor in a university at the time, surrounded by a thousand or more students, thrown into a vortex of excitement, with the spirit of war upon us. I joined in sympathy with a great many people of the country in feeling like criticizing the President who came from my State, because he did not speak and act quickly.

I was one who walked the streets of my town on the morning of February 16, 1898, and who said, "Now, will the President act," for at 4 o'clock the night before, 266 of the boys in blue went down into the muddy waters of Habana Harbor. When that event took place, speaking to a group of excited students on the campus, I was not careful of my language, and what I was saying was being said upon this floor here by some on both sides of the Chamber, and was being said at the other end of the Capitol by men of great distinction. The great McKinley pleaded with our people to keep cool and withhold judgment. Finally, when the report was made as to the cause of the blowing up of the *Maine*, the people went wild in commanding that something be done, and still the President was inactive. He was almost vilified by the passionate populace. Few people knew that we did not have at the time enough ammunition to make it possible to fire one blast in the Pacific. And I was criticizing mentally, not audibly, and many other people were finding fault bitterly with President McKinley for his inaction, and yet I did not know that our fleet was scattered on the Pacific, and I did not know that the word had gone out to Dewey, "Mobilize your fleet at Hongko g." We demanded a declaration of war, and denounced the Congress for not so declaring. Although a teacher of international law, I had overlooked the fact that a declaration of war would force our vessels out of neutral ports within 48 hours. But finally when the moment came, when the storm of criticism broke upon the brow of the President, after he had vainly tried to hold the people at bay——

The CHAIRMAN. The time of the gentleman has expired.

Mr. TOWNER. Mr. Chairman, I yield to the gentleman from Ohio 10 minutes more.

Mr. FESS. When the time came that the fleet was mobilized, then President McKinley finally gave the order, "Seek out the Spanish fleet; capture it or sink it." War was on, and this nation was to write a new chapter in the history of human progress—war for the sake of humanity. Dewey was near Hongkong, 728 miles from Manila, with his small squadron and its bunkers filled with coal. When he sailed out of Hongkong he knew that every bushel of coal that he could command was in the bunkers of his vessels, and when he started on the 728 miles he knew that he had to find the Spanish fleet, sink it, capture the coaling station at Cavite, or go to the bottom of the sea, for there was nowhere within 6,000 miles that he could take coal.

On the way, whenever anyone would caution him, he would say, "Keep cool and steam ahead." On they went until they finally entered that bay and began a movement like the letter "S," coming a little closer and a little closer to the defenses, and when the guns from the enemy began to play, aimed at our squadron, our men were exasperated, ambitious, but the order went out as before, "Keep cool and steam ahead"; but when the order came at last to fire, such a volley was hurled against the defenses at Manila that Spain in a very brief time could boast of only a magnificent submarine squadron. [Applause.] From that May day until the late autumn our Army and Navy refused to shell the city for the sake of the inhabitants. We refused to allow any looting. Here is a chapter yet to be written in the annals of warfare. Now, why did we go to war? Why to the Philippines? Was there any advantage to us? McKinley knew that he might touch a powder magazine that would send the world into a conflagration. He did not seek war for any national advantage. It could mean nothing of that sort to us. He was afraid, and he hesitated. Finally Senator Thurston and Senator Proctor went to the island of Cuba to study the situation and report. There is probably not a man in this House who does not remember the marvelously exciting effect that the speech of Senator Thurston made when he spoke at the other end of the Capitol, for as he was coming across the sea his wife took ill. Before she died on the sea she made him promise he would tell the story of human suffering as he had witnessed it right about the governor's mansion in Habana. When he rose at the other end of the Capitol his first sentence was, "Mr. President, I speak at the command of lips that are still in death." He broke down and could not continue for a moment. When he had finished the painting of the situation in Cuba the Senate and the House rose as with one voice and demanded action, not as a war of aggression, but a war for humanity. The Nation was in arms, not because McKinley wanted it, but because of the stress of public opinion, outraged by the situation in Cuba.

When we drove Spain out of Cuba our problem was what to do with Cuba. We tried it as an experiment by giving her a conditional republican government. No nation yearned more for Cuba's success than ours, for we were responsible for her after the war. When in the first election a faction refused to abide by the will of the people in that election, you can not forget that the President sent the Secretary of War over to Cuba, backed by the Army, and you well remember that it was generally understood that if Cuba did not maintain order that Army, when it once returned only to be sent back again because of further outbreaks, would go to stay, not because we wanted it but because of the necessity. Cuba has been a fairly representative Government since that day. It is the fervent hope that she will prove herself worthy the confidence placed in her. What did we do with Porto Rico, a people who have been rejuvenated by the school system inaugurated by the next governor of Pennsylvania, Dr. Brumbaugh, a personal friend of mine? [Applause.] And when Dr. Brumbaugh, the head of the education department of the University of Pennsylvania, declined to go because he did not want to undertake the work, President McKinley summoned him to Canton, Ohio, the home of my friend, Mr. WHITACRE. President McKinley laid upon the heart of Dr. Brumbaugh that the problem of the insular question had to be solved by education. He declared these people must not be set adrift, but must be started right. And so Porto Rico has a modern system of education, inaugurated at the time and carried into effect. Now what about the Philippines?

My friend from Indiana [Mr. Cox], I think, comes from the district in which is located the college the president of which was sent as the second commissioner of education to the Philippines. That man is Dr. E. P. Bryan, a personal friend of mine, and now president of Colgate University.

Mr. COX. Will the gentleman yield for a question right there?

Mr. FESS. Yes.

Mr. COX. Did not Admiral Dewey say that the Philippine Islanders were more capable of self-government than the Cubans were when he sailed away from the Philippines?

Mr. FESS. I heard Mr. QUEZON say that. I have never seen the statement. I do not want to enter into that particular period, because I will say something that will be unkind. I have read much of the record, much of the proceedings, of the insurgents, and I know what was being done in the awful days from December 10, 1898, when the treaty was signed, until February 4, 1899, when Aguinaldo led his insurrection. Those manuscripts, those records, are in our possession, and if you want to know about the movement in the Philippines, that is the place to get it and not from what somebody says, either one side or the other. These records do not inspire much confidence in capacity for independence.

But the Philippine problem was one of education. Dr. Bryan was one of the men who inaugurated it.

Mr. KELLEY of Michigan. This bill does not provide for the independence of the Philippine Islands?

Mr. FESS. No.

Mr. KELLEY of Michigan. Does the gentleman think that in good faith independence would necessarily follow in a short time?

Mr. FESS. No. I do not think that that could be deduced as a corollary from that bill. I think we may say, as Mr. MILLER said, that that simply is a statement that will do more harm in the Filipino mind than it will do good. If independence is a good thing with the condition of the people as it is, then it will be better, perhaps, to do it now and settle it for all time. I might say this bill fixes the time when stable government is established. There is nothing in the way of the majority or the President declaring that stable government is already established.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. FESS. May I have five minutes additional? I want to say one thing more.

Mr. TOWNER. I yield five minutes to the gentleman.

Mr. FESS. This is what I wanted to say before I sat down. The Filipino problem is one of education. I am somewhat disturbed at the statements of the Resident Commissioner from the Philippines. He is the only representative now upon the floor of these people, as he remarked to-day. I put the question straight to him, "Do you think that without American occupation the Philippines would be as well off now as they are?" He first did not answer. I pressed it, and then he said, "I do," and gave his reasons. And the membership on the Democratic side of the House applauded that statement, meaning that they believe that the American occupation, with all the loss of treasure and blood and sacrifice, has been useless. Is it possible? Can such an utterance meet with approval on either side of the aisle?

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. FESS. I will yield.

Mr. GARRETT of Tennessee. May I suggest to the gentleman that the question he put to the Resident Commissioner was perhaps not entirely fair.

Mr. FESS. I meant it to be.

Mr. GARRETT of Tennessee. If he meant as compared to the Spanish régime, that, of course, would be a different proposition; but if he meant as compared with the Filipinos running their own affairs, that would be another thing.

Mr. FESS. But here is a question just as clear as any man can state it. He first said, "Yes." Then I put it this way:

Do you mean to state to the American people that if the American administration had not been in operation there would have been the same progress for your people that you now have?

Mr. GARRETT of Tennessee. Ah, but the only issue that there has ever been a chance to make was as between the Spanish régime and the American régime.

Mr. FESS. His answer was:

This is, of course, purely a matter of conjecture and speculation, but I say, "Yes."

That is his answer. Then I put another, as follows:

I did not ask you about the road. I asked you about the advance of your people. Do you mean to say that your people would have advanced as high as they have done if the American administration had not been there?

The English language can not be plainer than that. What is his answer? It was:

I do; and I say it for this reason.

Mr. MADDEN. Is that where the applause came in?

Mr. FESS. Yes; and it is recorded.

Mr. STANLEY. Will the gentleman yield? The gentleman is a learned man, and a college professor; does he believe that any amount of culture can compensate for the loss of liberty?

Mr. FESS. I think that question can be put up to you as to Kentucky and other States. I do not know whether I could be justified in saying that we ought, if we had the power to make an entire change in the real form of government in Mexico from what they have. I mean it is republican in form but not in reality. I have my doubts. The same thing I would say about the Philippines.

And this, Mr. Chairman, in conclusion, is what I want to say to my Democratic friends over here: That——

Mr. DECKER. Mr. Chairman, will the gentleman yield to an interruption before he concludes?

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Missouri?

Mr. FESS. I will not have any time; but I will yield to the gentleman.

Mr. DECKER. I just wanted to ask you if you heard the speech of the Delegate from the Philippine Islands this afternoon, in which I think he explained his position more clearly than he did when you took him by surprise on Saturday.

Mr. FESS. He said that he appreciated what we had done over there, but that does not change the meaning of his statement Saturday.

Mr. MOORE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Pennsylvania?

Mr. FESS. Yes; I yield.

Mr. MOORE. Did not the Philippine Commissioner in his further explanation to-day say that, given the means and the opportunity, they would have done as well?

Mr. FESS. Yes. That is what we are doing—giving them the means and the opportunity, and remaining in the islands to see that the means and opportunity are not used to despoil or exploit.

Mr. MOORE. I want to ask the gentleman if they ever had such an opportunity before, as was suggested by the gentleman from Kentucky [Mr. STANLEY].

Mr. FESS. There has never been a case in the history of the world where any people has treated any other people as our country has treated the Philippines. I defy any man in this House, or any man in this Congress on either side of the House, to point to a case in history where such an expenditure of money and means was made, at the risk of the lives of soldiers, for the pure purpose of humanity, as was done in Cuba and in the Philippines.

Why do we not get out of the Philippines? I will tell you why. We think too much of the Filipinos to get out of the Philippines. It was said here that it is not the intention to return to the miserable Filipino policy. What is the policy?

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. TOWNER. I yield two minutes more to the gentleman from Ohio.

The CHAIRMAN. The gentleman from Ohio [Mr. FESS] is recognized for two minutes more.

Mr. FESS. I shall not yield any more except to yield the floor.

Mr. BORLAND. Go on to the crescendo.

Mr. FESS. No; it is not a crescendo. I am not a sophomore. I want your attention, Mr. BORLAND. We have no interest in the Philippines from the standpoint of industry except to advance the Filipino—no interest to ourselves—in the Philippines. We have no capital that we are wanting Americans to invest, except as it may appear to the advantage of both American and Filipino. We are having no exploits that we want to propagate in the Philippines. We have a duty to perform. We can not perform it with the conditions now present if we pull stakes and leave these people to themselves.

The chairman of the committee says it is an international question, and could be more easily solved if we would pass the bill. I say it is dangerous to turn the Philippines afloat. The moment that foreign capital, coming from foreign countries, will get a foothold, that moment conflicting interests will be found. The moment there is any attempt in a junta to take advantage in the Philippines and to exploit them, that moment foreign countries will be interested. Men may charge us with exploiting these people. I deny it. We are preventing others from doing it. How long, my friends, will independence continue in a rich country—one of the richest in the world, with only one-tenth of the agricultural riches developed, in its very infancy—how long would those countries or islands be independent as a rich prize to the colonizing powers of the world? This is a delicate question, but it goes to the core of the situation.

We ought not to get out of there until we can assure ourselves as well as the people of the Philippine Islands that we are not so recalcitrant that we turn them adrift to face international complications created by domestic warfare. I am frank to say we would rid ourselves of this burden at once if we could do so honorably. But I refuse to turn them over to the juntas and allow internecine struggles to take place that will present an opportunity for other countries to come in and take charge of them. For myself, I will stand by the interests of the Filipinos rather than against their interests. To do that we can not safely contemplate this question with definite action at this time. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. JONES. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. SLAYDEN].

The CHAIRMAN. The gentleman from Texas [Mr. SLAYDEN] is recognized for 10 minutes.

Mr. MANN. Why not rise now?

Mr. JONES. Mr. Chairman, there seems to be a disposition on the part of the committee to rise. I intended to make the motion to that effect; but the gentlemen around me think we ought to go on, therefore I yield 10 minutes to the gentleman from Texas.

Mr. MANN. Mr. Chairman, I make the point of order that there is no quorum present.

Mr. FOSTER. A point of order was made unnecessarily this afternoon, and that brought a crowd in here.

Mr. MANN. We did not make it unnecessarily.

Mr. DONOVAN. Mr. Chairman, a point of no quorum has been made by the gentleman from Illinois [Mr. MANN].

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] makes the point of no quorum. The Chair will count. [After counting.] Fifty-five gentlemen are present—not a quorum.

Mr. JONES. Mr. Chairman, it is evident that it will take some time to get a quorum, and I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. FLOOD of Virginia, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 18459) to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands, and had come to no resolution thereon.

LEAVE TO WITHDRAW PAPERS—EDWARD VON LICHTENSTEIN.

By unanimous consent, at the request of Mr. DRISCOLL, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of Edward Von Lichtenstein (H. R. 7844) Sixty-third Congress, no adverse report having been made thereon.

RIVER AND HARBOR APPROPRIATIONS.

Mr. SPARKMAN, from the Committee on Rivers and Harbors, presented the following report (No. 1174), which was referred mittee of the Whole House on the state of the Union and ordered to be printed:

The Committee on Rivers and Harbors, to whom was referred the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, for the fiscal year ending June 30, 1915, together with Senate amendment thereto, having had the same under consideration, reports the bill back without amendment and recommends that the Senate amendment be agreed to.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 657. An act to authorize the reservation of public lands for country parks and community centers within reclamation projects, and for other purposes; and

S. 5798. An act authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Earl A. Bancroft from Glenwood Cemetery, D. C., to Mantorville, Minn.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 18732. An act to amend section 98 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

COAL LANDS IN ALASKA.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 14233) to provide for

the leasing of coal lands in the Territory of Alaska, and for other purposes, and to disagree to the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to take from the Speaker's table the Alaska coal bill (H. R. 14233) and ask for a conference. The Clerk will report the title of the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection, and the Speaker appointed as conferees on the part of the House Mr. FERRIS, Mr. GRAHAM of Illinois, and Mr. LENROOT.

ADJOURNMENT.

Mr. JONES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned until Tuesday, September 29, 1914, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 2616) to promote the efficiency of the Public Health Service, reported the same without amendment, accompanied by a report (No. 1171), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BULKLEY, from the Committee on Banking and Currency, to which was referred the bill (S. 6398) to amend section 1 of an act approved May 30, 1908, entitled "An act to amend the national banking laws," reported the same with amendment, accompanied by a report (No. 1173), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FINLEY: A bill (H. R. 19004) providing for the issue of emergency currency to aid in and facilitate the marketing of the cotton crop for the year 1914, and for other purposes; to the Committee on Banking and Currency.

By Mr. RUPLEY: A bill (H. R. 19005) for the purchase of a site and erection thereon of a public building at Millersburg, Pa.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 19006) for the purchase of a site and the erection thereon of a public building at Annville, Pa.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 19007) to amend an act entitled "An act to regulate commerce," approved February 4, 1887; to the Committee on Interstate and Foreign Commerce.

By Mr. CARY: A bill (H. R. 19008) to authorize and direct the payment of pensions monthly; to the Committee on Invalid Pensions.

By Mr. BOWDLE: A bill (H. R. 19009) declaring it to be unlawful for any person, firm, copartnership, stock company, corporation, or association of any kind to construct or contract to construct within the United States or territorial jurisdiction any war vessel or guns or military equipment of such vessel for any foreign nation, and providing penalties for violation thereof; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRUMBAUGH: A bill (H. R. 19010) granting an increase of pension to John Hobensack; to the Committee on Invalid Pensions.

By Mr. DONOHOE: A bill (H. R. 19011) granting an increase of pension to Thomas Whalon; to the Committee on Invalid Pensions.

By Mr. REILLY of Connecticut: A bill (H. R. 19012) granting an increase of pension to Julia Miller; to the Committee on Invalid Pensions.

By Mr. SMITH of Maryland: A bill (H. R. 19013) for the relief of George Berry Dobyns; to the Committee on Naval Affairs.

By Mr. SMITH of Texas: A bill (H. R. 19014) granting an increase of pension to Catherine E. Wooldridge; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Petitions of business men of West Salem, Doylestown, Orville, and Dalton, all in the State of Ohio, in favor of House bill 5308; to the Committee on Ways and Means.

Also, evidence to accompany House bill 18949, granting an increase of pension to Jacob A. Thuma; to the Committee on Invalid Pensions.

By Mr. BAILEY: Petition of Branch Patton (Pa.) Socialist Party, protesting against exportation of any foodstuffs to any nation at war; to the Committee on Foreign Affairs.

By Mr. BATHRICK: Petition of the Schuster Co., of Cleveland, Ohio, protesting against tax on dry wines; to the Committee on Ways and Means.

Also, petition of bankers in nineteenth Ohio congressional district, protesting against tax on capital stock and surplus; to the Committee on Ways and Means.

Also, petition of citizens of Akron, Ohio, protesting against merchant-marine law; to the Committee on Ways and Means.

By Mr. CARY: Petition of Great Northern Life Insurance Co., Wausau, Wis., against war tax on life insurance; to the Committee on Ways and Means.

By Mr. ESCH: Petition of sundry citizens of Sparta, Wis., relative to investigation of cucumber diseases; to the Committee on Agriculture.

By Mr. FESS: Petition of Ohio Woman's Christian Temperance Union, protesting against tax on liquors; to the Committee on Ways and Means.

By Mr. GARDNER: Petition of the Men's Bible Class of Market Street Baptist Church, of Amesbury, Mass., favoring national prohibition; to the Committee on Rules.

Also, petitions relating to proposed new taxation legislation signed by A. T. Lange, A. E. Webber, Francis H. Rogers, A. J. Orem, Frank Curtis, Irvin W. Masters, E. E. Brazier, and T. A. Frissell; to the Committee on Ways and Means.

By Mr. HART: Petition of citizens of New Jersey, favoring national prohibition; to the Committee on Rules.

By Mr. REILLY of Connecticut: Memorial of the National Association of Vicksburg Veterans, favoring appropriation by Congress for reunion of veterans at Vicksburg, Miss.; to the Committee on Appropriations.

By Mr. UNDERHILL: Petition of Philadelphia Board of Trade, protesting against passage of House bill 18666, providing for the ownership, etc., of vessels in the foreign trade; to the Committee on the Merchant Marine and Fisheries.

By Mr. WILLIAMS: Petition of 99 citizens of Oregon, Ill., favoring national prohibition; to the Committee on Rules.

Also, petition of Twenty-fifth Ward Branch Socialist Party, of Chicago, favoring administration by the Government of food supply of the country; to the Committee on Interstate and Foreign Commerce.

SENATE.

TUESDAY, *September 29, 1914.*

(Legislative day of Monday, September 28, 1914.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

EMERGENCY REVENUE LEGISLATION.

The VICE PRESIDENT. The Chair lays before the Senate a communication, which will be read and referred to the Committee on Finance.

The communication was read and referred to the Committee on Finance, as follows:

[Telegram.]

ANTIGO, WIS., *September 28, 1914.*

Hon. THOMAS R. MARSHALL,
Vice President of the United States, Washington, D. C.:

On behalf of 5,000 members of the Wisconsin Woman's Christian Temperance Union we respectfully urge that the emergency internal-revenue tax shall be levied that we as patriotic citizens may help bear this national burden, and for other cogent reasons we earnestly protest against raising any part of this emergency revenue from a tax on alcoholic liquors.

MRS. W. A. LAWSON, *President.*

Mr. JONES. I have here a telegram from the Baker Boyer National Bank, the First National Bank, the Farmers' Savings Bank, the Third National Bank, and the People's State Bank, all of Walla Walla, Wash., protesting against the injustice of levying a tax of $2 a thousand on capital, surplus, and undivided